

## CENSUS OF 1890.

Each of The Five Tribes takes a census very often; some every 5 years, some oftener. The peculiar method of government in the nations, whereby the authorities at the several capitals are kept advised by the Light Horse (police), or town, county, or district authorities of changes, enables them to keep fairly authentic lists of the population. This is done chiefly for the purpose of resisting the claims of persons desiring to be known as citizens of the tribes and participants in land divisions and the money to be divided between these Indians on account of sales of surplus lands. Such records as matters of proof will be invaluable in the future, as they will fix the date of settlement of many claimants.

The enumerators of The Five Civilized Tribes in the Indian territory for the United States census were mostly Indians, appointed on the recommendation of the governors or principal chiefs, but some changes were made, and almost all were changed in one of the tribes, for reason. Four special agents were sent to the Indian territory to supervise the work by an agreement with the governors or their representatives. The wisdom of this policy was apparent when the peculiar nature of Indian political conditions became known.

Much opposition was shown to the census. The Creek and Seminole authorities aided it, however, by legislative action. They urged the residents to give information to the enumerators, but meetings were held to resist them. Under the circumstances, it was decided to ask as few questions as possible, and to get, as a rule, the general statistics of population. It was found difficult to obtain other statistics. The four special agents in charge visited the nations, and their reports give their observations in detail. The unsettled condition of the Indian territory and the constant clashing between the whites, called intruders, and the Indians or their authorities produced a prejudice against the census which was hard to overcome.

The citizens of The Five Tribes watch with a jealous eye each movement of the United States or its agents, as questions of vast moment are pending. This made them chary of answering questions proposed by the enumerators or special agents.

A serious difficulty was met in the answer to "Are you an Indian"? Under the laws of The Five Tribes or nations of the Indian territory a person, white in color and features, is frequently an Indian, being so by remote degree of blood or by adoption. There are many whites now resident claiming to be Indians whose claims have not as yet been acted upon by the nations. Negroes are frequently met who speak nothing but Indian languages, and are Indians by tribal law and custom, and others are met who call themselves Indians who have not yet been so acknowledged by the tribes. These circumstances necessarily produced some confusion as to the number of Indians separately designated. However, the total population as given is correct.

The difficulties surrounding the taking of this census were augmented by the fact that in enrolling the Indians it frequently occurred that it was necessary to equip 2 and sometimes 3 interpreters to accompany the enumerator to converse with Indians in the same locality. The residents of The Five Civilized Tribes, citizens or otherwise, pay no taxes on real or personal property, and there are no assessments for this purpose.

**CENSUS DISTRICTS.**—In the Cherokee Nation were the following 9 districts: Canadian, Cooweeskoowee Delaware, Flint, Going Snake, Illinois, Saline, Sequoyah, and Tahlequah.

In the Chickasaw Nation were 4 counties: Panola, divided into 2 districts for census purposes; Pickens, divided into 8 districts for census purposes; Pontotoc, divided into 3 districts for census purposes; and Tishomingo, divided into 2 districts for census purposes.

In the Choctaw Nation the 3 judicial districts were followed for census purposes: first judicial district—Gaines county, San Bois county, Scullyville county, Sugar Loaf county, and Tobucksy county; second judicial district—Apuckshamby county, Boktoklo county, Eagle county, Red River county, Wade county, and Wolf county; third judicial district—Atoka county, Blue county, Jacks Forks county, Jackson county, and Kiamichi county.

In the Creek Nation the 6 districts were followed for census purposes: Cowetah district, Deep Fork district, Eufaula district, Muscogee district, Okmulgee district, and Wewoka district.

In the Seminole Nation there were no counties or districts.

## POPULATION.

The population (*a*) of The Five Civilized Tribes was found to be 178,097, as follows: Indians of The Five Tribes living in their own tribes, 45,494; other Indians, including many Indians of The Five Tribes who were found in other tribes than their own, 4,561; total Indians, 50,055; Indian citizen negroes and others of negro descent, 18,636; Chinese, 13; whites, including some claimants of Indian citizenship, 109,393.

*a* The population of Indian territory in 1890 was 180,182, as follows: The Five Tribes, 178,097; Quapaw agency, 1,281; whites and colored on military reservations, 804.

# CONDITION OF INDIANS—INDIAN TERRITORY.

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The following table gives the total population of The Five Civilized Tribes by sex and by race for each tribe:

POPULATION OF THE FIVE CIVILIZED TRIBES, BY SEX AND BY RACE.

NATIONS.	Total.	BY SEX.		BY RACE.				
		Male.	Female.	Indians.		Of negro descent, including claimants.	Whites, including claimants.	Chinese.
				In their tribes.	Out of their tribes.			
The Five Tribes.....	178,097	95,373	82,724	45,494	4,561	18,636	109,393	13
Cherokee.....	56,309	29,781	26,528	20,624	1,391	5,127	29,166	1
Chickasaw.....	57,329	30,916	26,413	3,941	1,282	3,676	48,421	9
Choctaw.....	43,808	23,615	20,193	10,017	1,040	4,406	28,345	.....
Creek (a).....	17,912	9,586	8,326	9,291	708	4,621	3,289	3
Seminole.....	2,739	1,475	1,264	1,621	140	806	172	.....

a Sex estimated for Creek Nation on basis of ratio shown in the rest of the territory.

The following table shows the relation of Indians by blood to the total of other races:

NATIONS.	TOTAL POPULATION.		INDIANS.		OTHER RACES.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
The Five Tribes.....	178,097	100.00	50,055	28.11	128,042	71.89
Cherokee.....	56,309	100.00	22,015	39.10	34,294	60.90
Chickasaw.....	57,329	100.00	5,223	9.11	52,106	90.89
Choctaw.....	43,808	100.00	11,057	25.24	32,751	74.76
Creek.....	17,912	100.00	9,999	55.82	7,913	44.18
Seminole.....	2,739	100.00	1,761	64.29	978	35.71

POPULATION OF CHEROKEE NATION, INCLUDING ALL RACES, BY DISTRICTS, BY SEX, AND BY AGE PERIODS.

DISTRICTS.	Aggregate.	TOTAL.		UNDER 5.		6 TO 17.		18 AND OVER.		HEADS OF FAMILIES.	
		Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
Total.....	50,309	29,781	26,528	5,517	5,287	9,103	8,769	15,161	12,472	10,308	1,041
Canadian.....	5,714	3,016	2,698	574	562	924	940	1,518	1,196	1,065	99
Cooweeskoowee.....	17,943	9,669	8,274	1,613	1,604	2,709	2,680	5,347	3,990	3,368	237
Delaware.....	8,859	4,742	4,117	860	859	1,455	1,326	2,427	1,932	1,630	110
Flint.....	2,531	1,285	1,246	272	268	451	402	562	576	403	56
Going Snake.....	3,860	1,993	1,867	410	368	667	612	916	887	630	71
Illinois.....	5,040	2,669	2,371	511	461	815	789	1,343	1,121	1,036	162
Saline.....	1,983	1,054	929	207	167	323	300	524	462	366	39
Sequoyah.....	4,971	2,645	2,326	544	467	866	796	1,235	1,063	928	93
Tablequah.....	5,408	2,708	2,700	526	531	893	924	1,289	1,245	882	174

The Cherokee national census of 1890 showed the total number of citizens of the Cherokee Nation under Cherokee laws to be 25,978, as follows:

Canadian district.....	2,302
Cooweeskoowee district.....	5,621
Delaware district.....	3,893
Flint district.....	1,881
Going Snake district.....	2,675
Illinois district.....	2,686
Saline district.....	1,514
Sequoyah district.....	1,440
Tablequah district.....	3,966

The Cherokee national census of 1880 showed a citizen population of 20,336, from which there is an apparent gain of 5,642 in the 10 years from 1880 to 1890 upon the basis of Cherokee censuses.

POPULATION BY COLOR.—Total, 56,309. Cherokee, 20,624, of whom 11,531 are pure bloods; other Indians, 1,391; persons of negro descent, 5,127, including negro, 4,658; mulatto, 421; quadroon, 32; octoroon, 14; negro Choctaw, 1; negro Cherokee, 1; white, 29,166; Chinese, 1.

## REPORT ON INDIANS TAXED AND NOT TAXED.

POPULATION OF CHICKASAW NATION, INCLUDING ALL RACES, BY COUNTIES, BY SEX, AND BY AGE PERIODS.

COUNTIES.	Aggregate.	TOTAL.		UNDER 5.		6 TO 17.		18 AND OVER.		HEADS OF FAMILIES.	
		Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
Total .....	57,329	30,916	26,413	5,955	5,774	9,445	8,907	15,516	11,732	10,064	459
Panola county .....	2,879	1,526	1,353	312	268	467	489	747	596	509	32
First district .....	1,495	791	704	156	150	240	242	395	312	262	16
Second district .....	1,384	735	649	156	118	227	247	352	284	247	16
Pickens county .....	40,299	21,836	18,463	4,269	4,075	6,731	6,200	10,836	8,188	6,980	282
First district .....	3,121	1,702	1,419	302	290	481	490	919	639	536	36
Second district .....	5,112	2,725	2,387	553	519	855	846	1,317	1,022	853	37
Third district .....	7,741	4,243	3,498	821	832	1,388	1,119	2,034	1,547	1,296	50
Fourth district .....	3,025	1,622	1,403	335	334	497	430	790	639	559	31
Fifth district .....	4,086	2,200	1,886	415	415	660	644	1,125	827	686	28
Sixth district .....	4,783	2,541	2,242	533	497	799	789	1,209	956	827	21
Seventh district .....	4,071	2,232	1,839	475	393	684	605	1,073	841	708	23
Eighth district .....	8,360	4,571	3,789	835	795	1,367	1,277	2,369	1,717	1,455	56
Pontotoc county .....	9,135	4,807	4,268	896	893	1,434	1,450	2,537	1,910	1,679	105
First district .....	1,714	993	781	157	167	265	288	511	326	300	15
Second district .....	3,508	1,912	1,596	344	349	520	492	1,048	755	693	33
Third district .....	3,913	2,022	1,891	395	377	649	679	978	835	686	57
Tishomingo county .....	5,016	2,687	2,329	478	538	813	759	1,396	1,032	896	40
First district .....	2,604	1,408	1,196	239	281	441	403	728	512	477	8
Second district .....	2,412	1,279	1,133	239	257	372	356	668	520	419	32

POPULATION BY COLOR.—Total, 57,329. Chickasaw, 3,941, including pure blood Chickasaw, 3,129; white Chickasaw, 681; negro Chickasaw, 122; mulatto Chickasaw, 9. Other Indians, 1,282, including Choctaw, 760; Cherokee, 149; Creek, 22; Shawnee, 3; Seminole, 1; Delaware, 4; Pottawatomie, 5; Caddo, 3; Pottawatomie-Cherokee, 1; Wyandotte, 2; white Cherokee, 56; white Choctaw, 230; white Creek, 2; white Shawnee by marriage, 1; white Wyandotte, 1; negro Cherokee, 4; negro Choctaw, 27; negro Creek, 12. Persons of negro descent, 3,676, including negro, 3,651; mulatto, 20; quadroon, 3; octoroon, 2. White, 48,421. Chinese, 9.

POPULATION OF CHOCTAW NATION, INCLUDING ALL RACES, BY COUNTIES, BY SEX, AND BY AGE PERIODS.

COUNTIES.	Aggregate.	TOTAL.		UNDER 5.		6 TO 17.		18 AND OVER.		HEADS OF FAMILIES.	
		Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
Total .....	43,808	23,615	20,193	4,130	4,180	6,925	6,550	12,560	9,463	8,443	666
First district .....	23,188	12,708	10,480	2,232	2,293	3,647	3,428	6,829	4,759	4,314	304
Gaines county .....	2,504	1,435	1,069	223	225	327	319	885	525	464	28
Sans Bois county .....	6,075	3,286	2,789	631	730	1,054	896	1,601	1,163	1,141	38
Scullyville county .....	3,948	2,059	1,889	391	405	701	663	967	821	691	46
Sugar Loaf county .....	2,587	1,365	1,222	289	223	435	437	641	562	499	31
Tobucksy county .....	8,074	4,563	3,511	698	710	1,130	1,113	2,735	1,688	1,519	161
Second district .....	7,277	3,711	3,566	698	716	1,161	1,130	1,852	1,720	1,493	168
Apuckshamby county .....	1,266	621	645	101	104	207	228	313	313	246	27
Boktoko county .....	382	191	191	30	35	59	57	102	99	79	10
Eagle county .....	1,155	579	576	135	133	184	197	260	246	213	21
Red River county .....	1,914	1,014	900	201	173	319	259	494	468	379	36
Wade county .....	1,012	529	483	88	103	148	163	293	217	249	9
Wolf county .....	80	45	35	11	11	16	10	18	14	16	.....
Wade and Wolf counties .....	1,468	732	736	132	157	228	216	372	363	311	59
Third district .....	13,343	7,196	6,147	1,200	1,171	2,117	1,992	3,879	2,984	2,636	194
Atoka county .....	5,129	2,820	2,309	438	463	734	712	1,648	1,134	1,022	76
Blue county .....	4,195	2,246	1,949	388	373	741	639	1,117	937	821	44
Jacks Forks county .....	1,361	756	605	138	114	208	180	410	311	276	17
Jackson county .....	1,072	557	515	100	79	196	190	261	246	194	13
Kiamichi county .....	1,586	817	709	136	142	238	271	443	356	323	44

POPULATION BY COLOR.—Total, 43,808. Choctaw, 10,017. Other Indians, 1,040, including Indian negro, 214; Indian mulatto, 15; Cherokee, 87; Creek, 36; Chickasaw, 120; Mohawk, 4; Muscogee, 2; Catawba, 2; Chippewa, 5; Choctaw, one-half, 163; one-fourth, 7; white, three-fourths Choctaw, 1; white, one-half Choctaw, 4; white, one-fourth Choctaw, 5; white, one-eighth Choctaw, 2; white, one-sixteenth Choctaw, 12; white Choctaw, 122. White married to Indian, 8; negro married to Indian, 5; quadroon married to one-half Indian, 1. Negro Choctaw, 207; Cherokee octoroon, 1; Choctaw quadroon, 2; Choctaw, one-fourth Indian, 8; Choctaw, three-fourths Indian, 4; Choctaw, one-eighth Indian, 2; one-sixteenth Cherokee, 1. Persons of negro descent, 4,406, including negro, 4,357; quadroon, 4; octoroon, 13; mulatto, 32. White, 28,345.

## POPULATION OF CREEK NATION, INCLUDING ALL RACES, BY DISTRICTS.

DISTRICTS.	Total.	Creek Indians.	OTHER INDIANS.									Whites.	Negroes.	Chinese.
			Cherokees.	Seminoles.	Choctaws.	Chickasaws.	Stock-bridges.	Sioux.	Canadians.	Shawnees.	Pottawatomies.			
Total .....	17,912	9,291	462	172	31	9	1	1	1	3	28	3,289	4,621	3
Coweta .....	3,220	832	80	21	6	2						359	1,920	
Deep Fork .....	1,823	1,438	2	43								134	206	
Eufaula .....	3,859	1,815	15	4	6	3						1,048	968	
Muscogee .....	4,928	2,548	354	18	16	4				2	28	1,336	619	3
Okmulgee .....	2,191	1,335	7	13			1	1	1	1		299	533	
Wewoka .....	1,891	1,323	4	73	3							113	375	

The table shows: whites, 3,289; Creek Indians, enrolled as such, 9,291; negroes, enrolled as such, 4,621, many of whom are negro Creeks and claimants; 708 Indians, other than Creeks, given in detail above; 3 Chinamen.

The 708 Indians other than Creeks are: 462 Cherokees, 172 Seminoles, 31 Choctaws, 9 Chickasaws, 1 Stockbridge, 1 Sioux, 1 Canadian, 3 Shawnees, and 28 Pottawatomies. It is probable then that in Coweta district the Enchees may have been enrolled among those of negro descent. Some, enrolled as white, may have been quarter and eighth bloods.

The Creek national census of 1890 gave 14,800 Creeks. This included the recognized Creeks of negro descent, but not the other Indians, claimants of negro descent, or whites. The census enumerators for the Creeks were almost all Creeks or of negro descent, and probably attempted to define citizenship as they knew it by Creek law. On the abstracts they gave the Indians other than Creeks as colored.

## POPULATION OF SEMINOLE NATION, INCLUDING ALL RACES.

RACE.	Total.	Males.	Females.
Total .....	2,739	1,475	1,264
Indians (a) .....	1,761	903	858
Whites .....	172	108	64
Negroes .....	806	464	342

a Seminoles, 1,621; Creeks, 133; Cherokees, 5; Shawnees, 2.

The column for negroes embraces the pure negroes and those of mixed Seminole blood. The Seminoles intermarry with negroes. It is probable that the 806 of negro descent are almost all classed by the Seminoles themselves as Seminoles. The 1,621 Seminoles are those of full, three-quarter, or half blood.

## GENERAL CONDITION OF THE FIVE TRIBES: 1890.

The condition of The Five Tribes of the Indian territory, as shown by the census of 1890, personal investigation, and the reports of special agents, is that of a self-sustaining, fairly industrious, and law-abiding people. They live in a land without assessment or taxes. The term "civilized" was originally applied to them in contradistinction to the life of the wild Indian tribes, but as a whole their condition is not the civilization of the Anglo-Saxon. The Indians of The Five Civilized Tribes, or a large number of them, are quarter and half breeds; in fact, are white men in features. They are generally progressive, but the most obstinate opponents of change are found among them.

They have no written history. The majority of them still use the Indian language. The Cherokees have an alphabet. Their books and laws are printed in it. More than one-fourth of all the care and treaties and laws for Indians since 1815 has been for The Five Civilized Tribes. They have occupied a large share of official time since 1800. They are called nations and occupy separate areas covered by patents. They have governors or principal chiefs, elective legislatures, variously named, elective courts, and officers and police. Some minor divisions are

called counties and some districts. Except the Seminoles, all the nations have written or printed constitutions and laws. They have schools of their own and charities and churches in profusion. Their schoolbooks are in English. Newspapers are numerous and post offices plenty. The civilization of The Five Tribes has not been accomplished without a vast expenditure of time and money by white people. No Indians in the United States have received such care from the whites or have been aided so much by the United States. The trust fund interest paid them by the United States has amounted to tens of millions. No figures are at hand to verify this, but \$25,000,000 would be a small estimate. Much of their progress is due to a large negro population in the several nations. The greater portion of these negroes were at one time slaves, and they are now the laborers of The Five Tribes. They are fairly well advanced and are steadily increasing in numbers, wealth, and intelligence. In 1836 Albert Gallatin stated that the number of plows in The Five Tribes answered for the number of able bodied negroes.

The Creek Nation is an alert and active one, which is largely due to the negro element which fairly controls it. In the Choctaw Nation it is death for an Indian to intermarry with a negro. In any of The Five Tribes where the negroes have a fair chance there is a perceptible progress due to them.

The negroes are among the earnest workers in The Five Tribes. The Creek Nation affords the best example of negro progress. The principal chief, virtually a negro, comes of a famous family in Creek annals. His name is Lequest Choteau Perryman. He was born in the Creek Nation, Indian territory, March 1, 1838; educated at Tallahassee mission of the same nation, enlisted in the Union army in Kansas November, 1862, and was mustered out as sergeant-major of the First regiment Indian Home Guards, 1865. He served as district judge of the Coweta district, Muscogee Nation, 6 years; was elected to the council and served 13 years. He was elected principal chief and inaugurated December 5, 1887, for the term of 4 years.

The negroes, once slaves of The Five Tribes, are of much interest in connection with the final settlement of the land question. The Five Tribes, except the Seminoles, all owned slaves prior to and during the war. These were freed by the proclamation of emancipation, and this was enforced and confirmed, after much protest, by the treaty of 1866. In 1860 the total number of slaves held by The Five Tribes was 7,369. The Seminoles held no slaves in Indian territory, but they intermarried with negroes. Since the war there has been a very large increase in the negro population of The Five Tribes by immigration from the old slave states adjacent. The negro question in the Cherokee, Chickasaw, and Choctaw Nations, the equities and rights of these people in the lands of The Five Tribes, and as to citizenship, have yet to be properly settled.

The population of negro descent in The Five Tribes, which includes former slaves, in 1890 was as follows: with the Cherokees, 5,127; Chickasaws, 3,676; Choctaws, 4,406; Creeks, 4,621; Seminoles, 806; total, 18,636.

In a country where land is virgin, fertile, and its use is to be had for the mere occupancy, there is but small inducement for careful or close farming. Poor roads prevent marketing crops, so cattle raising is a better occupation than farming. Much farming of The Five Tribes is merely for a livelihood. Crops of corn are frequently left to rot because of the cost of transportation to market.

While great and constant efforts are made toward progress in education, and steady improvement is manifest, it must be understood that the education of the ordinary day or neighborhood schools is of a limited kind. School terms consist of from 4 to 5 months of the year. The best and highest education comes from efforts entirely without The Five Tribes.

The noncitizens in The Five Tribes have a few schools sustained by private contributions, subscriptions, and fees. Many of the more wealthy noncitizens send their children to schools in the adjoining states.

The members of The Five Civilized Tribes wear citizens' clothing. Ninety per cent of them practice the white man's ways and have his customs. Now and then a man can be found with an Indian pipe, and sometimes one wears moccasins, and shawls are worn as well as blankets. The Creeks and the Choctaws still keep up their ball play, and old Indian dances are still held in some of the nations. Some individuals of The Five Tribes are still classed as old time Indians and maintain a sturdy adherence to the old Indian faith. Medicine men are still to be found with them. Even among the Delawares in the Cherokee Nation can be found the survival of many old Indian dances and customs.

No distilled spirits are supposed to be sold in The Five Tribes. In 1890, to June 1, the distilled spirits used in the arts, manufactures, and for medicines in The Five Tribes, as shown by returns from retail apothecaries, were: ordinary gallons of whisky, 20; ordinary gallons of brandy, 16; ordinary gallons of gin, 5. Liquors are smuggled in, sold, and drunk. One extraordinary article of distillation, known as "white mule", is used in the eastern part of the territory. It is a villainous moonshine whisky, distilled in the Ozark mountains of Arkansas. Its effects probably cause one-half of the crimes in that portion of the territory.

Roads are poor and bridges across streams few and far between.

The party machinery in use in the Cherokee Nation in some features seems to be more advanced than the methods in use among the whites. The "barbecue" and "still hunt" are middle state methods. The method of viva voce voting is an old system.

The judges or inspectors of election, 4 in number, are seated around a table under a shady tree. The space of 50 feet all around this table is guarded, no person being allowed to approach within the limited space. When

any person wishes to vote he approaches the table, tells the name of his choice and for whom he wishes to record his name, repeating each name until all the candidates on the list for offices are voted for. After the polls are closed the result is summed up and announced.

**LICENSES.**—Licenses to trade in The Five Tribes were formerly issued<sup>\*</sup> by the Secretary of the Interior; now, in addition, they are issued by authority of the several tribes or nations.

Citizenship in The Five Tribes is regulated by tribal laws, and the right to make such laws has been conceded to them by the United States. Freedmen and other negroes become citizens of some of the tribes under said laws. The United States urged and then directed much of the legislation as to the negroes.

In the towns of The Five Nations, even the Indian towns, pure Indians are few and far between. In the country some are met. Negro Indians, especially in the Creek Nation, can be found in abundance, and some speak only the Creek language. The Indians of The Five Tribes are largely one-half and one-fourth bloods, and resemble white men more than Indians. The illustrations in this report are typical, and show comparatively few full-blood Indians. One constantly hears the remark from travelers in Indian territory, "Why, where are the Indians"?

Clans in towns are still preserved with the Creeks (*a*), and among the Delawares with the Cherokees, and "bands" are noted still with the Seminoles.

**CRIME.**—The crimes committed by the citizens of The Five Tribes are usually promptly punished. By the treaty of 1866 Indian courts alone punish Indian criminals. The offenses are generally less than felonies, and are comparatively few. Few murders are committed by citizens. The intruder or noncitizen population contributes 80 per cent of the murders. Recently at Fort Smith, Arkansas, the ninety-sixth murderer in that jurisdiction was hanged. More than 60 of them were stated as being from Indian territory. Indian citizens are excused by their own people in the several nations. In The Five Tribes the proportion of crimes committed is as small as in any other community of like population in the west. Ten men, it is stated, have been executed in the Cherokee Nation within the past 20 years.

When an Indian is condemned to death by shooting he is given a period, 30 days usually, in which to go home and fix up his affairs. He goes without guard or control, arranges all of his earthly matters, bids his friends and family good-bye, returns at the time appointed, and is promptly shot. Not one man of the many so permitted to go home after conviction, up to 1890, has failed to appear for execution.

The act of May 2, 1890, organizing the territory of Oklahoma and defining the boundaries of Indian territory, contained a section under which members of The Five Tribes could become citizens of the United States, as follows:

**SECTION 43.** That any member of any Indian tribe or nation residing in the Indian territory may apply to the United States court therein to become a citizen of the United States, and such court shall have jurisdiction thereof and shall hear and determine such application as provided in the statutes of the United States; and the confederated Peoria Indians residing in the Quapaw Indian agency, who have heretofore or who may hereafter accept their land in severalty under any of the allotment laws of the United States, shall be deemed to be, and are hereby, declared to be citizens of the United States from and after the selection of their allotments, and entitled to all the rights, privileges, and benefits as such; and parents are hereby declared from that time to have been and to be the legal guardians of their minor children without process of court: Provided, That the Indians who become citizens of the United States under the provisions of this act do not forfeit or lose any rights or privileges they enjoy or are entitled to as members of the tribe or nation to which they belong.

To June 1, 1890, no person had taken advantage of this law.

**INTRUDERS.**—The class called intruders includes those residing in The Five Tribes who are not recognized as citizens by the laws or authorities of said tribes or who do not pay the annual license fee. The question of citizenship will have to be considered by Congress in final settlement.

<sup>a</sup> The following is an account of the Creek towns in the Creek Nation by Governor L. C. Perryman, principal chief of the Creek Nation:

"TULSA, CREEK NATION, IND. T., September 28, 1891.

"It is quite difficult to locate all of the Creek towns now on the map of the Muskogee nation, at least some of them, as some of the citizens of the different towns are scattered all over the nation, but I have done so as near as I can. The general map you send me is not correct [map of 1882]. To explain now why our people live in this way [in towns] would be a hard thing to do. These towns, as they are called, have existed from time immemorial with the Creeks. We have had more towns, but some are now extinguished. The system grew out of the necessity of reaching our people quickly, and thus give the central control knowledge of the wants of our people.

"It would take a volume to explain to you the authority each town used to have under the old customs, each having a king and warriors, that is, the power each then had, which aggregated powers made the old Creek confederacy, which is now the Creek or Muskogee Nation. Those fires in each town are still to be seen by seeing representatives of the towns in our councils. This town system is based upon communism. As long as the council represents towns the holding of lands by citizens of the nation in common will always be the rule, and I think it is the best way of holding lands for the poor class of citizens in any country. Our council, which meets at Ocmulgee, consists of two bodies, the house of kings and the house of warriors. The members are the kings and warriors of the towns. No real patriotism can exist among our people except as it comes direct from the traditions of these several towns."

Towns.—1. Coweta. 2. Broken Arrow. 3. Cheyaha. 4. Locharpoka. 5. Conchartey. 6. Hechetey. 7. Cussehta. 8. Talsake. 9. Tulsa (Canadian). 10. Tulsa (Little River). 11. Noyarka (Nuyarka). 12. Aliaske (Okfaskke). 13. Arbekoche. 14. Arbeka. 15. Arbeka, second. 16. Asselarnapeor Grunlief (Ussalarnuppee or Green Leaf). 17. Oewohka. 18. Tharthoculka or Fish Pond. 19. Tharprakko (Tharphthocco). 20. Tokebachee. 21. Thewahley. 22. Kialga (Kialgee). 23. Tokpafka. 24. Talmochassee (Talmochusee). 25. Yoofula, first (Eufaula). 26. Yoofula, second (Eufaula). 27. Pakantalahassee. 28. Hillarbe. 29. Chartarksofka. 30. Kichopatake. 31. Artussee. 32. Tallahossochee (Tallahaschochee). 33. Allabama (Alabama). 35. Osochee. 36. Oeokofke. 37. Okcharya. 38. Ocheypofa. 39. Talwashakko. 40. Taltartoga (Tulladegee). 41. Hntschchapa (Hntschcuppa). 42. Quassartey, first. 43. Quassartey, second. 44. Yoochee (Euchee). 45. Big Spring. 46. Arkansas (colored, newly organized). 47. North Fork (colored, newly organized). 48. Canadian (colored, newly organized).

The authorities of The Five Tribes are very earnest in opposition to intruders. The serious difficulty is that they are now so numerous. The following article upon this topic is from the fourth annual report of J. B. Mayes, principal chief of the Cherokees:

This question has become sickening to the pride of every Cherokee who has a bona fide interest in this nation, and is enough to arouse his indignation and vengeance, after having endured the burden, hardships, and expense of owning and holding this country for themselves and posterity, to be compelled to sit quietly and see a herd of vagabonds organizing themselves into a "citizenship association", with a fund placed by it in the hands of unscrupulous lawyers to carry out one of the boldest robberies ever perpetrated on a people. This lawless class of marauders, who have come from the four corners of the earth, have fastened themselves upon our rich soil and claim to be Cherokees by blood, appealing to the United States government for protection in carrying out this infamous scheme. It makes no difference from what country he hails, if he only has the initiation fee of \$5, he is duly ingrafted into said association and then instructed by the leader to make improvements on Cherokee land. How wonderfully strange the officers of the United States government, whose duty it is to remove them, after knowing all the facts connected with this fraud will listen to their plea and afford them protection. While recently in Washington, the Commissioner of Indian Affairs gave me his sacred promise that he would see that they were removed, but many means and ways are used to defeat this purpose.

The matter passes through many hands, many formalities are gone through with, and finally the proper officer loses sight of it; thereby this outrage goes on unsettled. This class of persons has been here for years, and in many instances accumulated fortunes by the use of our soil and the sale of our timber without paying 1 cent for the support of the government, and at the same time ignoring every statute on our law books.

Now, I recommend that you make a last appeal to the government for their removal, and if this effort should prove futile, that you provide for their removal at the hands of the proper officers of this nation. It would be better for the nation to suffer in the act of removing the intruder than to be both insulted and robbed. Self-protection is the first law of nature. We do not deserve to own homes if we are not willing to make a sacrifice in protecting them. The Cherokee Nation has for the last 20 years begged, prayed, and plead with the government to carry out its treaty agreements for the removal of intruders, but nothing has been done, and they are daily coming into our country and settling on our soil.

#### TOWNS IN THE FIVE CIVILIZED TRIBES.

The towns occupied by the noncitizens, called intruders, are merely camps, but with valuable and important buildings. There are no town limits, sewers, water supply, police, fire departments, or any of the ordinary features of organized communities. The United States court has jurisdiction of civil suits between or affecting noncitizens of The Five Tribes, and under this authority appoints United States commissioners in each of the towns and deputy United States marshals as well, who act as officers for the commissioners.

The Indian who owns or claims the occupancy title to the lands on which the noncitizen towns are situated collects rents from the lot holders. The permit collectors of taxes on nonresidents for license to trade, or practicing the professions, or to reside in a nation, closely watch the incoming of the noncitizen residents of towns.

It is difficult to enroll a town as such in Indian territory, as there are no town lines. Not one town in Indian territory is incorporated, there being no law to incorporate town sites. Persons, other than citizens, building houses in towns or cities do so at their own risk. They usually pay yearly rentals for the privilege to the Indian citizen who claims the land. Most of the towns are built adjacent to railroads and near the strips of land which the railroad companies own, 200 feet wide and 2,000 feet in length, where such towns or stations are located.

The population of the towns, as obtained by the enumerators, is as follows:

CHEROKEE NATION.—Tablequah, 1,200; Vinita, 1,200.

CHICKASAW NATION.—Ardmore, 2,100; Purcell, 1,060; Wynnewood, 398; Pauls Valley, 206; Marietta, 110; Dougherty, 103; Benogn, 95.

CHOCTAW NATION.—Lehigh, 1,600; McAlester, 3,000; Krebs, 3,000; Caddo, 2,170; Atoka, 800; Colgate, 818; Hartshorn, 939.

CREEK NATION.—Muscogee, 1,200; Okmulgee, 136; Eufaula, 500.

SEMINOLE NATION.—Wewoka, 25; a mere hamlet about the council house and post office.

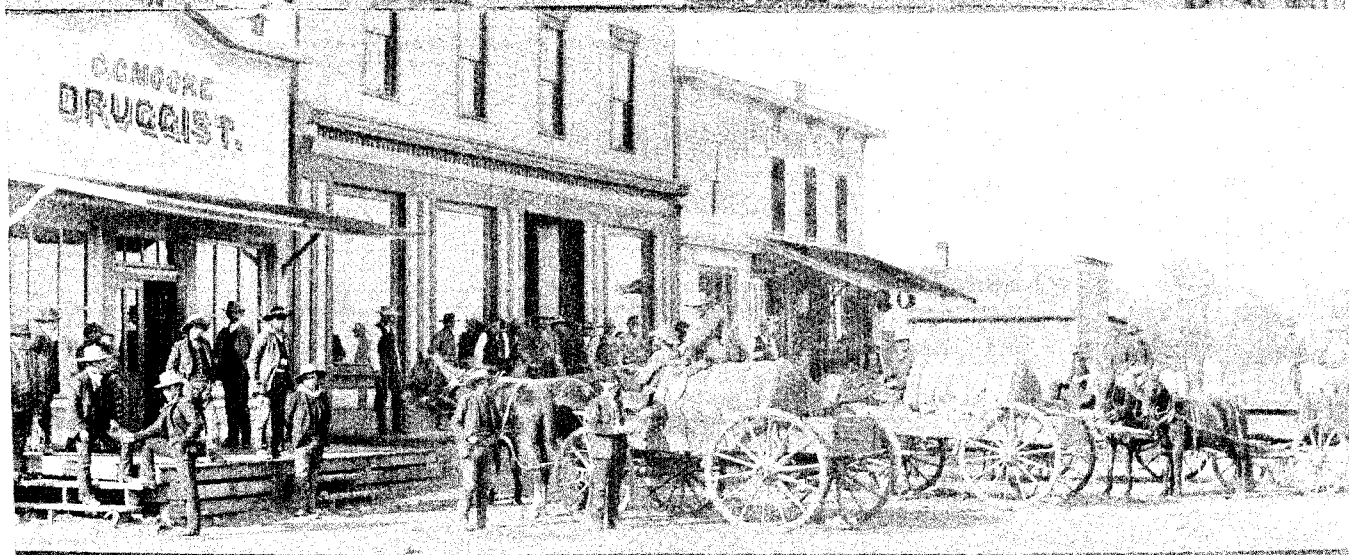
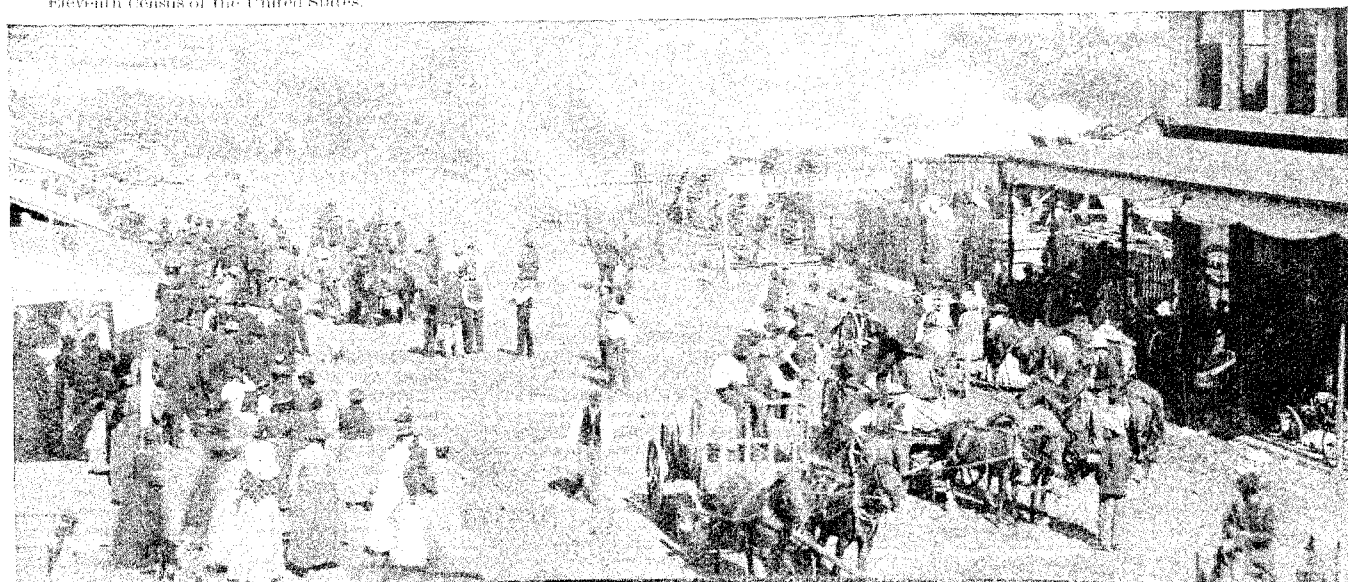
POST OFFICES FOR THE FIVE TRIBES.—There are 63 post offices in the Cherokee Nation; 76 in the Chickasaw Nation; 73 in the Choctaw Nation; 6 in the Creek Nation, and 4 in the Seminole Nation.

#### INDUSTRIAL, SOCIAL, AND SANITARY CONDITION.

It is only possible to estimate the agricultural and industrial products of The Five Civilized Tribes by the observation of the special agents and enumerators. The Indians were very reluctant to give any information in regard to their land holdings, the area cultivated, products, or individual wealth. The whites, generally temporary residents, were as reluctant to furnish information as the Indians, not knowing but that the census would lead to their expulsion from the Indian territory.

The climate is equable, with little cold weather, and usually but little snow. February is considered a spring month. It is followed by a long and hot summer, with pleasant nights. About the latitude of northern Alabama, the whole region is calculated under proper cultivation to yield enormous crops of corn, cotton, and fruit. By careful estimates not less than 360,000 acres are under a kind of cultivation in The Five Civilized Tribes. Much of the cultivation is primitive and the acreage yield small. There is in The Five Tribes an estimated production





Photograph by J. P. Standiford, Muskogee.

1. Main street, Muskogee, Creek Nation, during a fire.

2. Cotton buying, Eufaula, Creek Nation.

3. Laying corner stone of the United States court house, Muskogee, Creek Nation, June 24, 1889.



of 4,350,000 bushels of corn, wheat, and oats; 421,000 bushels of vegetables of all kinds; 35,000 bales of cotton, and 168,000 tons of hay. The total value of these productions is estimated at \$5,756,000. The Five Civilized Tribes have many horses, mules, cattle, hogs, and sheep. Sheep are raised for food and the wool is used for clothing. There is a record of 20 carloads of sheep carried out of the territory in 1890. The surplus crops and productions, including cattle, are marketed in the states adjoining. The cotton crop generally finds its way to the seacoast by rail by the way of Ardmore, in the Chickasaw Nation, or by the Red river. The manufactures of The Five Civilized tribes are nominal. Still they make many woolen blankets and shawls, a large number of willow baskets, some maple sugar, gather wild rice, and take fish from the river. Home weaving is a feature. The forests supply 8,000,000 feet of lumber per year, which is generally consumed by the people. At Waggoner, in the Creek Nation, there is a sawmill engaged in cutting walnut timber, producing a large number of gunstocks, many of which are shipped for use in European armies. The forest also yields considerable hemlock bark, and large quantities of firewood are cut and sold.

**LIVE STOCK ON RANGES.**—Indian territory was included in the second range district for census purposes. The agents charged with the investigation of range stock report:

\* \* \* The Indian territory \* \* \* has been extensively occupied as a maturing ground for cattle bred farther south \* \* \* by large companies and associations of cattle men, who lease the lands or grazing privileges from the Indian tribes, and by fencing large pastures with barbed wire dispense with herders. Each year nearly the entire stock is matured and sent to market and a new supply of young cattle from the south placed on the pastures; hence the percentage of sales is much larger from the Indian territory than from any other area of like extent in the southern portion of the grazing regions. Range stock, as shown by the tables, is located in the Chickasaw, Creek, and Osage reservations and the Cherokee Outlet or Strip. The large proportion of 3 and 4 year olds in the Indian territory indicates that the business is conducted chiefly to mature rather than to breed cattle. In ordinary years, when prices are satisfactory, all dry cows and 4-year olds and most of the 3-year olds are sent forward to market, and the pastures are replenished from southern ranges. The cattle industry in the Indian territory has been fairly satisfactory since 1880, excepting the year 1886, succeeding the great loss by the winter storms of 1885-1886. The business is controlled almost exclusively by the white men, who are not citizens of the territory or members of any Indian tribe, and the presence of the stock and the men in charge has been in some instances productive of dissatisfaction among the Indians. \* \* \* No sheep are held on the ranges in the Indian territory.

The following table shows the number of horses, mules, asses, and swine, the value of sales, losses by death, and number of men employed on ranges in The Five Civilized Tribes and the Osages:

HORSES, MULES, ASSES, AND SWINE, VALUE OF SALES, LOSSES BY DEATH, AND NUMBER OF MEN EMPLOYED ON RANGES.

DISTRICTS.	Number of horses.	Number of mules.	Number of asses.	Number of swine.	Value of horses sold in 1889.	Value of swine sold in 1889.	Died in 1889 (all stock played on from all causes).	Men em. played on ranges.
Total.....	3,793	146	5	530	\$10,063	\$1,300	7,663	198
Cherokee, Osage, and Creek reservations.....	2,716	97	.....	.....	9,963	.....	4,723	161
Chickasaw Nation.....	1,077	49	5	530	100	1,300	2,940	37

There were reported for the Cherokee, Osage, and Creek reservations 158,438 cattle; for the Chickasaws, 72,013. Sales of cattle for Cherokee, Osage, and Creek reservations, \$1,046,681; Chickasaws, \$314,320. This does not discriminate stock of Indians from that owned by others.

**COAL AND COAL MINING.**—The census investigations develop the following regarding coal in the Indian territory: (a)

The western or fourth field, which comprises the only deposits of the carboniferous measures west of the Mississippi river, extends across the boundaries of Kansas, Missouri, and Arkansas into the Indian territory, underlying almost the entire eastern half of that territory. The present developments of importance are along the line of the Missouri, Kansas and Texas railway, in the Choctaw Nation reservation, and are conducted by the Osage Coal and Mining Company at McAlester and the Atoka Mining Company at Lehigh.

The Choctaw Coal and Mining Company is constructing a line of railroad from the Arkansas state line, passing through Oklahoma to the western boundary of the territory, and southward to Denison, Texas, intersected by the St. Louis and Kansas Pacific, the Missouri, Kansas and Texas, the Atchison, Topeka and Santa Fe, and the Chicago, Rock Island and Pacific railroads. This company is engaged in developing a large area of excellent coal territory, lying along the route of the projected railroad, secured by lease from the Choctaw Nation. This enterprise will constitute one of the most important in the southwest.

The quality of the coal now being mined in this territory is excellent for steam and heating purposes, and is well suited for gas and coking. The beds from which the product is obtained range from 3 to 5 feet in thickness, and comprise the 2 lower veins, which are here found to be of much greater thickness and freer from bone and other impurities than in any other part of the field. Competent authorities assert that the coals now being mined in the Indian territory are superior to any found west of the Appalachian field.

The total product in the territory during the calendar year 1889 was 752,832 short tons, valued at \$1,323,807. The average number of persons employed during the year was 1,873; the total wages paid, \$927,267. No report of mining operations in this territory was made for the Tenth Census.

## REPORT ON INDIANS TAXED AND NOT TAXED.

## COAL PRODUCT OF INDIAN TERRITORY IN 1889.

(Short tons.)

LOCALITIES.	MINES.		Total product of coal of all grades for year 1889.	DISPOSITION OF TOTAL PRODUCT.					Total amount received for coal sold in 1889.	Average price of coal at the mines.
	Reg-ular.	Local.		Loaded at mines for shipment on railroad cars and boats.	Sold to local trade at mines.	Used by employes.	Used for steam at mines.	Manu-factured into coke.		
Total .....	15		752, 832	699, 122	1, 173	5, 922	33, 997	12, 618	\$1, 323, 807	\$1. 76
Atoka .....	4		323, 080	312, 236	630	3, 097	7, 117		600, 838	1. 86
Choctaw Nation .....	5		428, 748	386, 350	75	2, 825	26, 880	12, 618	720, 961	1. 68
Tobucksy .....	6		1, 004	536	468				2, 008	2. 00

## LABOR AND WAGES AT INDIAN TERRITORY COAL MINES IN 1889.

ABOVE GROUND.														
LOCALITIES.	Total employes about mine.	Total average number em-ployed.	Foremen or overseers.			Mechanics.			Laborers.			Boys under 16 years.		
			Average number em-ployed.	Average wages per day.	Average number of days worked.	Average number em-ployed.	Average wages per day.	Average number of days worked.	Average number em-ployed.	Average wages per day.	Average number of days worked.	Average number em-ployed.	Average wages per day.	Average number of days worked.
Atoka and Choctaw Nation.	1, 862	220	11	\$2. 55	291	63	\$2. 50	170	145	\$1. 90	164	1	\$1. 00	250

BELOW GROUND.														
LOCALITIES.	Total average number em-ployed.	Foremen or overseers.			Miners.			Laborers.			Boys under 16 years.			Total amount of wages paid during 1889.
		Average number em-ployed.	Average wages per day.	Average number of days worked.	Average number em-ployed.	Average wages per day.	Average number of days worked.	Average number em-ployed.	Average wages per day.	Average number of days worked.	Average number em-ployed.	Average wages per day.	Average number of days worked.	
Atoka and Choctaw Nation.	1, 642	10	\$3. 10	252	1, 200	\$3. 25	166	393	\$2. 41	177	39	\$0. 88	198	\$915, 567

## EXPENDITURES AT INDIAN TERRITORY COAL MINES IN 1889.

LOCALITIES.	OFFICE FORCE.						Grand total employés.	Grand total wages.	Total value of supplies and materials of all kinds during 1889.	Total of all other expenditures for the mines or works.	Total mining expenditures.	Amount paid for contract work during 1889.	Grand total of all expenditures.
	Total.		Males.		Females.								
	Number.	Amount of wages.	Number.	Amount of wages.	Number.	Amount of wages.							
Total .....	11	\$11, 700	11	\$11, 700	.....	.....	1, 873	\$927, 267	\$53, 404	\$172, 150	\$1, 152, 821	\$20, 000	\$1, 172, 821
Atoka .....	5	5, 220	5	5, 220	.....	.....	959	435, 892	28, 800	48, 562	513, 314	.....	513, 314
Choctaw Nation .....	6	6, 480	6	6, 480	.....	.....	914	491, 375	24, 544	123, 588	639, 507	.....	639, 507
Tobucksy .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	20, 000	20, 000

## VALUE OF MINES AND IMPROVEMENTS AND POWER USED AT INDIAN TERRITORY COAL MINES IN 1889.

LOCALITIES.	VALUE OF MINES AND IMPROVEMENTS.							POWER USED IN MINING.							Days idle during year.	
	In land leased.		In build-ings and fix-tures.	In tools, imple-ments, live stock, machinery, and supplies.	Total.	Cash cap-ital not reported in the foregoing items.	Total capital.	Steam boilers.		Cylinders.		Other power.				
	Acres.	Value.						Num-ber.	Horse power.	Num-ber.	Size (inches).	Motors.		Number of ani-mals em-ployed.		
												Num-ber.	Horse power.		Num-ber.	Horse power.
Total .....	14, 766	\$738, 643	\$497, 509	\$131, 067	\$1, 367, 219	\$124, 790	\$1, 492, 009	38	1, 680	38	-----	2	30	169	8	22. 25
Atoka .....	6, 326	316, 298	251, 498	98, 203	665, 999	69, 790	735, 789	15	680	17	-----	-----	-----	89	8	22. 25
Choctaw Nation .....	5, 440	272, 345	236, 011	22, 864	531, 220	55, 000	586, 220	19	760	16	-----	2	30	80	-----	-----
Tobucksey .....	3, 000	150, 000	10, 000	10, 000	170, 000	-----	170, 000	4	240	{ 1 4	18 x 36 16 x 30	{	-----	-----	-----	-----

The coal measure of Indian territory is chiefly in the Choctaw Nation, covering an area of 13,600 square miles of bituminous coal. Iron, lead, copper, marble, sandstone, and limestone are found. Salt springs are also numerous.

RAILROADS.—The following is a statement of the railroads of the territory:

MILES OF RAILROAD, SINGLE TRACK, LYING WITHIN INDIAN TERRITORY JUNE 30, 1890.

	MILES.
Total for territory .....	1,046.20
Atchison, Topeka and Santa Fe (Southern Kansas) .....	155.56
Atlantic and Pacific .....	112.05
Chicago, Rock Island and Pacific (Chicago, Kansas and Nebraska) .....	65.03
Choctaw Coal and Railway Company .....	39.80
Denison and Washita Valley .....	9.74
Missouri, Kansas and Texas .....	256.82
St. Louis and San Francisco .....	144.20
Kansas and Arkansas Valley .....	163.00
Gulf, Colorado and Santa Fe .....	100.00

WAGES.—Farm hands are paid about the same wages as in Texas, Arkansas, or Kansas. The trades are not well paid, except in the towns made up of intruders or noncitizens, or by the railroads or other corporations. Coal miners receive the wages current in Missouri.

COMMODITIES OF LIFE.—Provisions and clothing are about the same in price as in southern Kansas or western Arkansas. The people outside of the towns, as a rule, live on plain fare and much in the open air.

THE PROFESSIONS.—The professions are as a rule poorly paid. Lawyers are numerous, but the business is of a petty character and not profitable.

NEWSPAPERS.—Cherokee Nation.—Cherokee Advocate, national organ, published at Tahlequah, half in English and half in Cherokee.

Chickasaw Nation.—There are 7 newspapers now published in the Chickasaw Nation, and they all claim to be independent in politics; the Chickasaw Chieftain, published at Ardmore; the Ardmore Courier, published at Ardmore; the Herald, published at Wynnewood; the Chickasaw Enterprise, published at Pauls Valley; Territorial Topics, published at Purcell; the Register, published at Purcell; the Minstrel, published at Minco. All of these papers are supported by the noncitizens and whites. There is no Indian paper published in the Chickasaw Nation.

Choctaw Nation.—There are 3 newspapers published in the Choctaw Nation: the Indian Citizen, a weekly issue, published at Atoka, devoted to the Indian people and their interests, has liberal patronage, and a circulation of 1,320; the same may be said of the Twin City Topics, a weekly journal, published at McAlester; the Indian Missionary, published monthly at Atoka, in the interest of the Baptist denomination, the circulation being given as 1,000.

Creek Nation.—There are 4 newspapers published in the Creek Nation: the Indian Journal (Creek), a weekly, published in Eufaula, has a circulation of 840; the Muskogee Phenix (republican and Creek), a weekly, published in Muskogee, has a circulation of 1,470; the Brother in Red (Methodist), a weekly, published in Muskogee, has a circulation of 1,300; the Brother in Black (Methodist), a weekly, published in Muskogee, has an estimated circulation of 500.

Seminole Nation.—There is no paper published in the Seminole Nation.

BANKS.—There is one national bank at Muskogee, Creek Nation, and one at Ardmore, Chickasaw Nation; there are also some private banks.

VITAL STATISTICS.—The health of the people of the Indian territory is good, the death rate small, and the local diseases are those common to the states of Kansas, Arkansas, and northern Texas. No statistics of deaths, burials, or marriages could be obtained. The laws of the several nations regulate marriages and burials for the citizens, and the Arkansas laws govern noncitizens in these particulars. The poor and unfortunate of The Five Tribes are fairly well cared for. The noncitizen poor are cared for by their own people.

DWELLINGS.—The houses of the citizens of The Five Tribes are built of stone, brick, and wood. By count 561 dwelling houses were found in the Seminole Nation and 3,583 in the Creek Nation. No complete returns were made of the houses in the other nations.

## EDUCATION.

Education receives much care and attention at the hands of the people and authorities of The Five Civilized Tribes. In some of them, as shown by the reports of the special agents, the freedmen and others of negro descent are not properly considered in school matters. The school books used are in the English language.

**CHEROKEE NATION.**—The schools of the Cherokee Nation are justly a source of pride to all of the citizens. One-half of the revenue derived from the funds in the hands of the United States, invested in 5 per cent government bonds, is devoted to their support. These schools are: the Cherokee orphan asylum, the national male and female seminaries, and 100 primary schools scattered throughout the different judicial districts of the nation in proportion to the population, the highest number in any district being 15 and the lowest 7. The expenditure of the nation for educational purposes among the primary schools is confined to books and tuition, each locality being required to furnish the house and keep it in repair as well as to furnish fuel and water. It is required also that the locality furnish a minimum number of pupils (13), and on failure of a school to show that average attendance per month, the school is discontinued and some other neighborhood has an opportunity to furnish the required number of pupils.

The general management of the schools of the nation has heretofore been vested in a national board of education consisting of 3 members, who are appointed by the principal chief and confirmed by the senate. They serve for 3 years and get an annual salary of \$600 each. They are intrusted with the duty of hiring the teachers, the law requiring them to give preference to natives and graduates of the seminaries, the purchase and distribution of books and other supplies, and the general supervision of the schools, each member having a separate part of the nation under his special care.

The orphan asylum, as well as each seminary, is under the charge of a superintendent, and has a steward, matron, and the usual number of employes, in addition to the principal and a corps of teachers. The asylum and each of the seminaries is capable of accommodating from 150 to 200 pupils, and a provision is made for the board and clothing of a certain number of pupils, about 50, as well as the tuition and books of all. Those who are able to pay are charged \$2 per week for board, lodging, laundry, and tuition.

The primary teachers are paid a minimum salary of \$30 per month for an attendance of 15 pupils. This monthly salary may be increased \$1 per month for each additional pupil that attends up to \$50 per month, the maximum salary allowed for 35 pupils, but it can not be further increased, though if the number is large enough, in the opinion of the board, to justify it, 2 teachers may be allowed. In the latter case each teacher receives the same amount of salary, making the maximum cost of the school for tuition \$100 per month.

Each teacher is required to render a monthly report to the board of education, as well as a term report at the end of each term. There are 2 terms during the year, the spring term continuing through February, March, April, May, and June, and the fall term running through September, October, November, and December. Each school has a board of directors, consisting of 3 members, appointed by the national board of education.

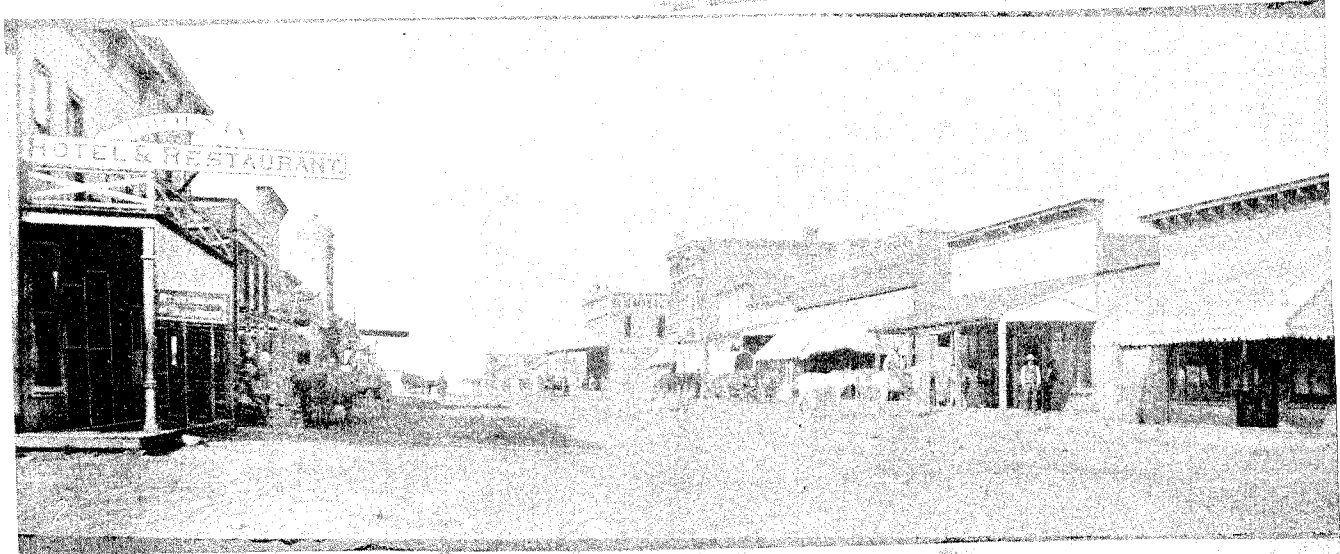
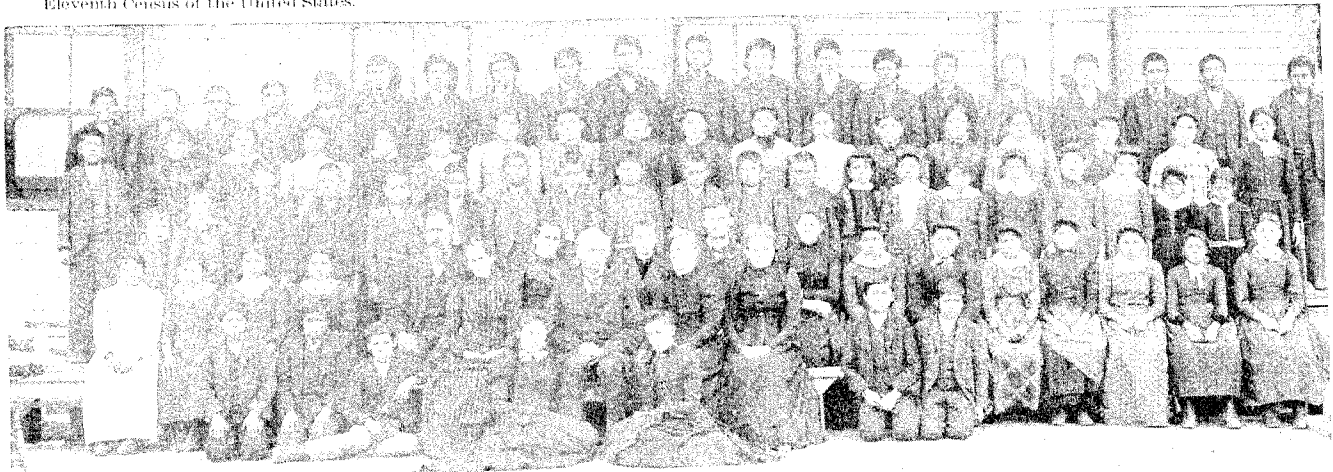
School books are issued by the national board of education on a requisition signed by the teacher. There does not seem to be any limit or any responsibility in regard to this matter of issuing or drawing books and supplies. The first teacher applying is served first and the later ones go away many times with nothing. The next term or the next year is likely to find the wide-awake teacher on hand early again, while the slow-going teacher goes away with slate pencils and foolscap and whatever else happens to be left by the more fortunate and active ones.

Buildings for the male and female seminaries were erected in 1848. The male seminary was located about 2 miles from Tahlequah, while the female seminary was in another direction, about 4 miles from Tahlequah, and 2.5 or 3 miles from the male seminary. The buildings were exactly alike, each room being furnished with a large fireplace and each building having a porch extending along 3 sides of it 2 stories high and supported by 25 circular brick columns. In 1874 a large addition was built to each, making them still precisely alike and probably doubling their capacity. The female seminary took fire and burned to the ground one Sunday afternoon in April, 1887, during the spring term. While little was saved from the flames, no lives were lost. The pupils were sent to their homes, a special session of the national council was called, and an appropriation made to erect another building. It was decided to put the new building near the town of Tahlequah, which it overlooks from an eminence in the suburbs. It is a beautiful structure, in modern style of architecture, with all the approved modern conveniences. It will accommodate over 200 pupils. The male seminary has been overhauled and put in good condition also, and with its large fireplaces, huge chimneys, great porches, and numerous columns, it offers a contrast to the modern building erected for the girls. A score of the columns of the old female seminary still stand as melancholy monuments of its former days.

The cost of the system of education as now carried on aggregates about \$80,000 per year.

The Cherokees have schools for their negro children, including a high school.

In addition to the system of schools already described there are quite a number of schools carried on in the Cherokee Nation by the different mission school boards of the country. These are doing effective work in educating the young and are a great power in molding the nature of the youth as well as restraining the adult population, and go a great way in giving moral and religious tone to the Cherokees. Of these schools, those supported by



1. New York Mission school, mostly Creeks and Seminoles.

2. Main street north from Phenix building, Muskogee, Indian territory.

3. Cherokee, Creek, and Seminole school children, Muskogee, Indian territory, 1890

the Presbyterians are the most numerous, though the Baptists, the Congregationalists, and the Southern Methodists are represented. Of those under the charge of the Presbyterians, one is located at Tahlequah, one at Park Hill, one at Elm Springs, and one at Pleasant Hill. The Baptists have a school at Tahlequah and the Congregationalists and Southern Methodists each have one at Vinita.

The pupils in the Cherokee public schools June 1, 1890, were:

Total.....	4,439
Number of pupils attending Cherokee common schools.....	3,877
Female seminary.....	156
Male seminary.....	156
Orphan asylum.....	250

The Cherokee children in mission schools June 1, 1890, were:

Total.....	445
Baptist mission at Tahlequah.....	70
Presbyterian mission at Tahlequah.....	35
Presbyterian mission at Park Hill.....	77
Presbyterian mission at Woodall.....	41
Presbyterian mission at Elm Springs.....	40
Worcester academy at Vinita.....	122
Galloway college at Vinita.....	60

Aggregate in all schools in the Cherokee Nation..... 4,884

**CHICKASAW NATION.**—No provision is made in the Chickasaw Nation for the education of the children of the negroes. The Chickasaw legislature provides for 5 boarding academies, as follows: male, at Tishomingo, 60 pupils; male, at Wapanucka, 60 pupils; female, at Stonewall, 40 pupils; female, at Bloomfield, 45 pupils; male and female orphan school, 60 pupils; total in boarding academies, 265; sent to school in the states, 35; aggregate in all boarding schools, 300. Besides the boarding pupils thus provided for, there are 15 schools known as neighborhood schools. Thirty-five students were sent to institutions in Texas for higher education in 1890. The superintendent of public instruction is elected by the legislature. He has the management and general control of all national schools and school buildings in the nation. His term of office is 4 years, unless sooner removed for misdemeanor in office. Section 3 of the act of October 9, 1876, provides that the standard of school books shall be of uniform character and of the southern series, and no other books shall be used or taught in the Chickasaw Nation. Any person decoying a scholar from school against the wishes of a parent or guardian is liable to a fine not exceeding \$50, or imprisonment not exceeding 3 months, at the discretion of the court.

There are a number of denominational schools, including a large and prosperous Catholic school at Purcell, in Pontotoc county.

**CHOCTAW NATION.**—The school property of the Choctaw Nation is valued at \$200,000. There are 4 boarding schools, besides several mission or denominational schools, and 174 neighborhood or public schools. Their yearly expenditure for schools is \$83,000. Some negro schools are provided, estimated to be about 20 per cent of the whole number of neighborhood or public schools.

The academies and boarding schools are: Spencer academy, 120 pupils; New Hope seminary, 130 pupils; Wheelock orphan asylum, 60 pupils; Armstrong orphan asylum, 60 pupils.

**CREEK NATION.**—The Creek public school system consists of 36 neighborhood schools, for the support of which \$76,488.40 is annually appropriated by the council out of the moneys received from the United States. The school year is divided into 2 terms of 4 months each. Both Indians and negroes are educated. The schools bear evidence of a commendable effort on the part of the progressive element of the nation to elevate their people to a higher standard of knowledge and civilization, but either for want of intelligent management or proper support they are only indifferently successful. Against this is arrayed the combined influence of traditional superstition, ignorance, and conceit that are as yet deep seated in the minds of no inconsiderable portion of this tribe. This element takes little interest in the cause of education, and if their children spend the day in hunting instead of at school the parents are as well satisfied, particularly if the young sportsmen have been successful in quest of game.

Education with these Indians is purely optional, and statistics show that more than two-thirds of the children of school age do not attend school. The English language is not generally spoken, except among the educated people. The Indian youth is imitative and learns mechanically, and instances are common where they acquire the art of reading English fluently and at the same time do not understand a word they read. The council of 1890 created a board of public instruction composed of 3 progressive citizens of the nation, from whose management better results are expected. The mission and contract schools are well attended and as a rule are in a flourishing condition. There are 10 of these institutions located in the Creek Nation under the auspices of religious denominations given on the following page.



## REPORT ON INDIANS TAXED AND NOT TAXED.

## DENOMINATIONAL SCHOOLS IN THE CREEK NATION.

NAMES.	Location.	Denomination.	CAPACITY.		AVERAGE ATTENDANCE.	
			Boarding.	Day.	Boarding.	Day.
Nuyaka mission .....	Nuyaka .....	Presbyterian board of home missions .....	86		79	
Wealaka mission (a) .....	Wealaka .....	Presbyterian board of home missions .....	100		100	
Presbyterian school for girls .....	Muscogee .....	Presbyterian board of home missions .....	30	4	35	4
Presbyterian school .....	Red Fork .....	Presbyterian board of home missions .....	200			17
Presbyterian school .....	Tulsa .....	Presbyterian board of home missions .....		38		19
Harrell institute .....	Muscogee .....	Methodist Episcopal Church, South .....	50	150	55	147
Indian university .....	Bacomé .....	American Baptist home missions .....	100	20	64	29
Levering mission .....	Wetumka .....	American Baptist Home missions .....	75		87	
Tallahassee manual labor school for freedmen .....	Muscogee .....	American Baptist home missions .....	50	10	51	
Methodist Episcopal school .....	Tulsa .....	Methodist Episcopal Church .....	100	25		23

a Burned April 20, 1890; loss, \$48,000; being rebuilt.

Of the several institutions scheduled above, the Nuyaka mission, Nuyaka, Presbyterian school for girls, and Harrell institute, Muscogee; Indian university, Bacomé, and the denominational schools at Red Fork and Tulsa are equal in appointments and instruction to the standard of similar institutions in the states.

SEMINOLE NATION.—The public school system consists of 4 neighborhood schools, with an annual public school fund of \$7,500. Two of these public schools are set apart for the education of negro children, and have an average attendance of 47 pupils, as against 34 for the two Indian schools. About three-fourths of the children of school age do not attend school.

There are 2 denominational contract schools (missions) as follows: Wewoka mission, Wewoka, Presbyterian, capacity 50, average attendance 50, number who have been accommodated 58; Seminole female academy, Sasakwa, Baptist, capacity 50, average attendance 30, number who have been accommodated 39.

## CHURCH STATISTICS.

The statistics of churches in The Five Civilized Tribes are, as obtained by Henry K. Carroll, LL. D., special agent, as follows:

## NATIONS AND CHURCHES.

## SUMMARY.

NATIONS AND CHURCHES.	Organiza- tions.	Church edifices.	Approximate seating capacity.	Halls, etc.	Seating capacity.	Value of church property.	Communi- cants or members.
Nations.....	786	422	77,783	309	30,755	\$177,066	28,571
Cherokee .....	225	86	16,752	122	10,725	48,900	9,153
Chickasaw .....	200	65	11,830	117	13,070	36,535	7,275
Choctaw .....	289	209	40,251	63	6,350	68,448	8,532
Creek .....	64	55	8,000	6	560	21,183	3,308
Seminole .....	8	7	950	1	50	2,000	303
Churches:							
Baptist, regular (south) .....	181	110	18,485	57	7,455	35,765	9,147
Catholic, Roman .....	16	8	1,080	8	60	5,850	1,215
Christian Union .....	2			2	450		90
Church of God (Winebrennerian) .....	16	11	1,285	5	550	1,200	811
Congregational .....	6						127
Disciples of Christ .....	73	8	2,305	36	3,230	2,850	1,732
Dunkards or Brethren (conservative) .....	1			1	40		27
Friends (orthodox) .....	5			5	315		162
Latter-day Saints, Reorganized Church of Jesus Christ .....	2						46
Methodists:							
African Methodist Episcopal .....	14	22	1,680			2,618	489
Colored Methodist Episcopal .....	13	9	2,850			2,975	291
Free Methodist .....	1			1	75		12
Methodist Episcopal .....	30	14	3,525	16	2,300	8,550	785
Methodist Episcopal, South .....	274	133	24,155	127	11,135	58,900	9,683
Methodist Protestant .....	16	1	200	15	2,100	300	278
Moravian .....	1	1	150			400	40
Presbyterian:							
Cumberland Presbyterian .....	52	29	8,200	22	1,985	10,145	1,204
Presbyterian Church in the United States (South- ern) .....	13	22	5,250			7,750	629
Presbyterian Church in the United States of Amer- ica (Northern) .....	70	54	8,018	14	1,060	39,763	1,803

# CONDITION OF INDIANS—INDIAN TERRITORY.

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## NATIONS AND CHURCHES—Continued.

### BAPTIST, REGULAR (SOUTH).

NATIONS.	Organiza- tions.	Church edifices.	Approximate seating capacity.	Halls, etc. (a)	Seating capacity.	Value of church property.	Communi- cants or members.
Total .....	181	110	18,485	57	7,455	\$35,765	9,147
Cherokee .....	23	23	5,200			9,400	2,838
Chickasaw .....	64	10	1,895	sh39 } 42 ph3	5,705	5,285	1,976
Choctaw .....	56	41	7,040	sh13	1,050	13,640	2,388
Creek .....	32	31	3,750	sh1	50	6,440	1,708
Seminole .....	6	5	600	sh1	50	1,000	237

### CATHOLIC, ROMAN.

Total .....	16	8	1,680	8	00	5,850	1,215
Cherokee .....	4	1	150	h1 } 3 ph2	60	600	200
Chickasaw .....	4	1	200	ph3		800	230
Choctaw .....	7	6	1,330	ph1		4,450	735
Creek .....	1			ph1			50

### CHRISTIAN UNION.

Chickasaw .....	2			h1 } 2 sh1	450		90
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### CHURCH OF GOD (WINEBRENNERIAN).

Total .....	16	11	1,285	5	550	1,200	811
Cherokee:							
Canadian district .....	3	1	100	ph1 } 2 sh1	100		80
Flint district .....	2	2	275			600	154
Sequoyah district .....	10	8	910	sh2	350	600	527
Choctaw:							
Sans Bois district .....	1			sh1	100		50

### CONGREGATIONAL.

Total .....	6						127
Cherokee .....	2						37
Choctaw .....	4						90

### DISCIPLES OF CHRIST.

Total .....	73	8	2,305	36	3,230	2,850	1,732
Cherokee .....	23	2	900	sh9 } 16 ph7	1,055	800	595
Chickasaw .....	19	3	505	ph5 } 10 sh4 h1	575	550	547
Choctaw .....	27	3	900	sh6 } 7 ph1	1,150	1,500	512
Creek .....	4			sh2 } 3 ph1	450		78

### DUNKARDS OR BRETHREN (CONSERVATIVE).

Chickasaw .....	1			sh1	40		27
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### FRIENDS (ORTHODOX).

Cherokee .....	5			sh4 } 5 ph1	315		162
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a The letters sh in this table indicate school house; ph indicates private house; h indicates hall.

## REPORT ON INDIANS TAXED AND NOT TAXED.

## NATIONS AND CHURCHES—Continued.

## LATTER-DAY SAINTS—REORGANIZED CHURCH OF JESUS CHRIST.

NATIONS.	Organiza- tions.	Church edifices.	Approximate seating capacity.	Halls, etc.	Seating capacity.	Value of church property.	Communi- cants or members.
Cherokee.....	2						46

## AFRICAN METHODIST EPISCOPAL.

Total.....	14	22	1,680			\$2,618	489
Cherokee.....	4	5	500			2,000	112
Choctaw.....	6	14	655			163	320
Creek.....	4	3	525			455	57

## COLORED METHODIST EPISCOPAL.

Choctaw.....	13	9	2,850			2,975	291
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## FREE METHODIST.

Chickasaw.....	1			sh1	75		12
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## METHODIST EPISCOPAL.

Total.....	30	14	3,525	16	2,300	8,550	785
Cherokee.....	16	6	1,000	h2 sh5 } 10 ph3	1,400	2,150	391
Chickasaw.....	4	3	825	sh1	100	2,200	75
Choctaw.....	6	1	500	h1 sh2 } 5 ph2	800	1,200	125
Creek.....	4	4	1,200			3,000	194

## METHODIST EPISCOPAL, SOUTH.

Total.....	274	133	24,155	127	11,135	58,900	9,683
Cherokee.....	78	a18	3,750	h1 sh45 } 52 ph6	4,425	13,500	2,685
Chickasaw.....	86	38	6,005	h1 sh45 } 47 ph1	5,200	19,050	3,829
Choctaw.....	97	66	12,950	sh24 } 27 ph3	1,450	21,250	2,812
Creek.....	13	a11	1,450	sh 1	60	5,100	907

a One edifice rented.

## METHODIST PROTESTANT.

Total.....	16	1	200	15	2,100	300	278
Cherokee.....	10			sh 10	1,050		168
Choctaw.....	6	1	200	sh 5	1,050	300	110

## MORAVIAN.

Cherokee.....	1	1	150			400	40
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## CUMBERLAND PRESBYTERIAN.

Total.....	52	29	8,200	22	1,985	10,145	1,204
Cherokee.....	14	3	950	ph2 } 10 sh8	1,060	4,050	441
Chickasaw.....	11	1	200	10	925	450	166
Choctaw.....	27	25	7,050	2		5,645	597

## NATIONS AND CHURCHES—Continued.

## PRESBYTERIAN CHURCH IN THE UNITED STATES (SOUTHERN).

NATIONS.	Organiza- tions.	Church edifices.	Approximate seating capacity.	Halls, etc.	Seating capacity.	Value of church property.	Communi- cants or members.
Total .....	13	22	5,250	.....	.....	\$7,750	629
Chickasaw .....	2	5	1,200	.....	.....	1,200	175
Choctaw .....	11	17	4,050	.....	.....	6,550	454

## PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA (NORTHERN).

Total .....	70	54	8,018	14	1,060	39,768	1,803
Cherokee .....	28	16	2,867 { sh10 } 12	910	14,800	727	
Chickasaw .....	6	4	1,000	.....	7,000	148	
Choctaw .....	28	26	2,726	2	150	10,775	548
Creek .....	6	6	1,075	.....	6,188	314	
Seminole .....	2	2	350	.....	1,000	66	

SUNDAY SCHOOLS IN THE FIVE CIVILIZED TRIBES.—The following table embraces the statistics of Sunday schools in The Five Civilized Tribes, 1890, as compiled by Rev. J. McC. Leiper: (a)

DENOMINATIONS.	Sunday schools.	Teachers.	Scholars.	Total teachers and scholars.
Total .....	202	1,341	10,525	11,866
Presbyterian .....	44	271	2,475	2,746
Baptist .....	65	325	2,500	2,825
Methodist .....	116	562	4,130	4,692
Congregationalist .....	5	25	300	325
Christian .....	30	150	1,050	1,200
Moravian .....	2	8	70	78

## REVENUES OF THE FIVE CIVILIZED TRIBES.

The interest on trust funds in the hands of the United States, receipts from licenses, permits, rents from leased lands, and intruder permits are the main sources of revenue of the governments of The Five Civilized Tribes. In some of The Five Tribes no publication is made of receipts and disbursements.

There are no taxes, direct or otherwise, paid by citizens of the nations, and there is no listing or appraising of real or personal property for taxation. It is a land without taxation. The citizens are thus content with almost any government, and power is easy to maintain. As lands are held in common, the improvements only and personal property being liable to levy and sale, an assessment would be valueless. No estimate, therefore, can be made of property values in these nations.

An idea of the methods prevailing in The Five Tribes in revenue matters can be had from the following from the fourth annual message of J. B. Mayes, principal chief of The Cherokee Nation, 1890: (b)

An appointment of a revenue officer and a proper handling of our revenue would certainly procure funds sufficient to meet largely the expenses of our government. Our revenue system is a poor one and badly managed. A per cent is taken out of it by the clerks, sheriffs, and solicitors, and after it is turned in the treasurer takes out his 10 per cent, which leaves the nation but little. A government with the resources of the Cherokee Nation is certainly poorly managed to get only the pitiful sum now received.

a Report of the Commissioner of Indian Affairs, 1890, page 95, where the total is printed 362.

b The following extract from the message of Governor William L. Byrd, of the Chickasaw Nation, September 4, 1891, is an illustration of the method of reporting the finances of The Five Tribes: "The receipts of the treasury for the fiscal year are \$221,568.90, and the disbursements have been \$145,048.78, leaving a balance in the treasury of \$76,520.12".

## TRUST FUNDS OF THE FIVE CIVILIZED TRIBES.

The total amount of trust funds arising from sales of lands under treaties with and the laws of the United States, the property of The Five Civilized Tribes, is \$7,984,132.76, and the annual interest on this, paid by the United States, is \$413,219.01, apportioned as follows: (a)

TRIBES.	Amount of principal.	Annual interest.
Total .....	\$7,984,132.76	\$413,219.01
Cherokee .....	2,625,842.37	137,469.33
Chickasaw .....	1,308,695.65	68,404.95
Choctaw .....	549,594.74	32,344.73
Creek .....	2,000,000.00	100,000.00
Seminole .....	1,500,000.00	75,000.00

The interest on the principal of these funds is placed by the United States semiannually with the United States assistant treasurer at St. Louis, Missouri, to the credit of the treasurer of each nation, and the expenditure of these funds is entirely under the control of the nation and its council.

The above \$413,219.01 received from the United States each year, together with fees from licenses and permits, enables the several tribes or nations to exist without levying a tax upon the people.

## FORM OF GOVERNMENT.

The form of government of 4 of The Five Tribes or nations in Indian territory is similar to that of the states in the United States, having 3 departments, executive, legislative, and judicial, whose functions are about the same as in the states. The Cherokees, Chickasaws, Choctaws, and Creeks have written and printed codes of laws. The Seminoles have no written or printed laws or constitution, and enforce the Creek laws, except that the principal chief has no pardoning power. There are also a first and second chief and a national council, which is, in fact, a legislature and a supreme court as well, composed of 14 "band chiefs". Still, the government is virtually in the hands of two or three men, who control its policy and finances.

The constitution of the Cherokee Nation is based upon that of Mississippi, and its provisions have been repeatedly outlined in government reports; for example, in the report of the Commissioner of Indian Affairs for 1885, page 149 and following, as given by United States Indian Agent Robert L. Owen. The forms of government in the other tribes, except Seminoles, are in general similar.

## LAWS OF THE CREEK NATION.

The constitution of the Muscogee (Creek) Nation in effect March 1, 1890, consists of 10 articles, with 34 sections. It provides for the usual executive, judicial, and legislative departments, but with extraordinary powers in each.

The laws made under this constitution maintain the power of the officials, and so the entire official body is interested in preventing any change in the existing laws or methods, and most of the people are content so long as they pay no direct taxes.

These laws govern citizens of the Muscogee Nation only. No citizen of the United States can become a citizen of the Muscogee Nation, nor any citizen of the Muscogee Nation become a citizen of the United States by Muscogee rule.

Four sections of a portion of the laws of the Muscogee Nation, known as "civil laws", are given in full.

These laws are enacted under a constitution of a so-called nation erected within the republic of the United States and claiming an authority as high as that of the national government, and they have never been questioned in a United States court.

EXTRACTS.—Be it enacted by the national council of the Muscogee Nation, That all meetings and conventions, and all secret movements having for their object the prevention of the execution of law, or the subversion of the laws and constitution, are hereby forbidden. Any citizen of this nation who shall be found guilty of the violation of the above law shall receive one hundred lashes on the bare back for each such offense. Approved August, 1872.

Be it further enacted, That no citizen of this nation shall exercise the power of petitioning any foreign power upon any question, when such petition shall be in its nature subversive of the laws and constitution of this nation; and any citizen who shall be found guilty of violating the above law shall receive fifty lashes on the bare back.

Be it further enacted, That no citizen of this nation shall exercise the right of attending any meeting or council called by an alien or aliens, when such meeting is intended to produce lawlessness, or is subversive of the constitution and laws of this nation; and any citizen found guilty of violating the above law shall receive fifty lashes.

Be it further enacted, That no citizen of this nation shall be permitted to carry, knowingly, any message or dispatch to forward or promote any move having a tendency to prevent the free operation of the laws and constitution of this nation. Any person or persons found guilty of the violation of this law shall be fined the sum of fifty dollars, which fine shall be paid into the national treasury; but if unable to pay, he or she shall receive twenty-five lashes. Approved August, 1872.

## BIBLIOGRAPHY OF THE LAWS OF THE FIVE CIVILIZED TRIBES.

The laws of the Cherokee Nation are in one volume, 284 pages, in English, entitled "Constitution and Laws of the Cherokee Nation", published by authority of the Cherokee national council. These laws are also published in the Cherokee language.

The laws of the Creek Nation are in one volume, 250 pages, in English, entitled "Constitution and Laws of the Muscogee Nation, as compiled by L. C. Perryman, March 1, 1890". These laws are also published in the Creek language.

The Seminoles have no written or printed laws. The Creek laws as a rule are applied among the Seminoles, whose government is in many features still almost tribal and virtually in the control of three or four men.

The codified laws of the Choctaw Nation are in one volume, in English, 200 pages, "Constitution, Treaties, and Laws of the Choctaw Nation, made and enacted by the Choctaw legislature, 1887".

The Chickasaw laws are in one volume, 343 pages, in English, "The Constitution, Treaties, and Laws of the Chickasaw Nation, made and enacted by the Chickasaw legislature, 1890".

## UNITED STATES INDIAN AGENT.

There is a United States Indian agent for The Five Tribes, who resides at Muscogee, Creek Nation. This agency, known as "Union agency", is maintained in pursuance of certain treaties made many years ago, and the agent's original functions are mostly obsolete. In the Creek Nation, however, he has a quasi veto of some matters cognizable with the council. This agent has a clerk, and received \$2,000 per year. The duties he performs under the law, while nominal in most instances, are really of the most arduous and responsible character. He is the executive arm of the nation in Indian territory, making reports to and acting for the Department of the Interior. This agent has under him a United States Indian police force of 40 men and officers who travel about the country and assist in keeping the peace. This force is in addition to the United States marshals and the Light Horse or other policemen of The Five Tribes.

## UNITED STATES COURTS.

The United States courts authorized in Indian territory by the act of March 1, 1889, now apply to The Five Tribes and only to civil causes and for cases which the courts of The Five Tribes may not have adjudicated. As to these courts the Commissioner of Indian Affairs, in 1890, reports, pages lxxxi-lxxxii:

Since my last annual report, by an act approved May 2, 1890 (26 Stats., 81, and page 371 of this report), Congress has created the territory of Oklahoma out of a part of what was the Indian territory, establishing therein a territorial government. By the same act Indian territory is defined to comprise "all that part of the United States which is bounded on the north by the state of Kansas, on the east by the states of Arkansas and Missouri, on the south by the state of Texas, and on the west and north by the territory of Oklahoma". In other words, all that portion of the old Indian territory occupied by The Five Civilized Tribes and by the several tribes under the jurisdiction of the Quapaw agency now composes the Indian territory.

The said act, in section 29 et seq., proceeds to limit the jurisdiction of the United States court in the Indian territory established by the act of March 1, 1889 (25 Stats., 783), to the Indian territory as above defined and to enlarge the authority conferred on that court by the said act, giving it jurisdiction within the limits of the said Indian territory over all civil cases therein, except those over which the tribal courts have exclusive jurisdiction.

The Indian territory is divided into 3 judicial divisions and the court will be held for the first division, consisting of the country occupied by the Indian tribes in the Quapaw agency, the Cherokee country east of 96 degrees of longitude and the Creek country, at Muskogee, in the Creek nation; for the second division, consisting of the Choctaw country, at South McAlester, in the Choctaw nation; and for the third division, consisting of the Chickasaw and Seminole countries, at Ardmore, in the Chickasaw nation.

The court is given probate jurisdiction and certain of the general statutes of the state of Arkansas are extended over and put in force in the Indian territory.

It is authorized to appoint not more than 3 commissioners for each judicial division, who "shall be ex officio notaries public and shall have the power to solemnize marriages"; they shall also "exercise all the powers conferred by the laws of Arkansas upon justices of the peace in their districts".

Except as otherwise provided in the law, appeals and writs of error may be taken and prosecuted from the decisions of this court to the Supreme Court of the United States in the same manner and under the same regulations as from the circuit courts of the United States.

Much good is expected to result from the enlarged jurisdiction of the court, and especially from that provision of the law which gives the judge of the "United States court in the Indian territory the same power to extradite persons who have taken refuge in the Indian territory, charged with crimes in the states or other territories of the United States, that may be now exercised by the governor of Arkansas in that state". This power properly exercised will, it is expected, have the effect to purge the territory to a great extent of the criminal element that for years is said to have found an asylum there, where pursuit and punishment seldom, if at all, found its way, to which element much of the introduction of whisky and the moral degradation of many of the Indians is due.



The Indian territory is now provided with a judicial system which reaches in its jurisdiction every manner of controversy that may arise, and the exercise of the authority of this office to interfere and settle disputes arising in that country over property rights is no longer necessary. I have therefore instructed the agent for the Union agency to refer to the proper court for remedy all parties who apply to him for settlement of civil controversies, unless the complainant is an Indian whose poverty practically excludes him from his remedy in the court and the party against whom the complaint is made is an intruder and a trespasser.

The courts being of limited jurisdiction they have not thus far been of the service expected.

According to the report of the United States Attorney General, 1890, the leading items are as follows:

Civil suits commenced, United States not a party, for the year ending June 30, 1890, 593.

Tried, judgment for plaintiff, 85; judgment for defendant, 13. Amount of judgments rendered, \$73,545.14. Dismissed or discontinued, 94.

Suits in the United States court from Indian territory, under solicitor of the treasury, 181.

Amount sued for during the fiscal year, \$23,250. Amount reported in judgments on the above suits, \$10,871. Amount collected, \$1,161.15.

The total expenses of the court for the year to June 30, 1890, were \$72,227.49. The items were:

Marshals' fees.....	\$18,541.55
Jurors.....	8,951.00
Witnesses.....	31,495.00
Support of prisoners.....	6,671.00
Bailiffs.....	1,000.00
Miscellaneous.....	1,326.00
Regular compensation to United States attorneys.....	2,488.30
Special compensation to United States attorneys.....	28.00
Rent of court rooms.....	1,726.64

The criminal business of the Indian territory where it relates to noncitizens is tried in the United States district courts at Fort Smith, Arkansas, and Paris, Texas. For the fiscal year 1890 the court expenses at Fort Smith, Arkansas, incurred and paid by the United States were \$242,813.41, and at Paris, Texas, \$137,454.44. There are 200 deputy United States marshals at one court alone. A large population at each of these points derives an income from the arrest in Indian territory of persons charged with crime against the laws of the United States, hundreds of whom are not convicted.

The Attorney General of the United States, in his annual report of 1890, pages xix and xx, says:

In my last report attention was called to the great expense of the courts having jurisdiction of felonies in the Indian territory. I again call attention to what was there said, and especially emphasize the same with reference to the court at Paris, Texas. The necessity for a modification of the present state of things there is twofold. It is a grievous hardship that men charged with crime, and the witnesses in support of or against such charges, shall be required to travel oftentimes many hundred miles in order to reach the tribunal where the trial of such charges is to be had.

In the second place the expense to the government of maintaining such a system is simply enormous; so great, indeed, that it can not be met out of the ordinary appropriations for such purposes without using moneys necessary to conduct the ordinary business of other United States courts.

A long step toward a better state of things would be taken if the courts in the Indian territory were given full jurisdiction of felonies. My information, I think, justifies the assertion that the objection that good juries can not be had in that court is without foundation.

Another evil closely related to the same subject matter is the practice which in the past has prevailed in some districts of making arrests and conveying prisoners long distances and at great expense, without sufficient reason, for examination or bail, instead of taking them before the nearest commissioner. An amendment requiring prisoners to be taken before the nearest commissioner for examination or bail, unless for special reasons and on cause shown, would be a great improvement.

Any change in the existing system is stoutly resisted by interested parties in the localities above named.

#### LANDS OF THE FIVE TRIBES.

The area of the land holdings of The Five Tribes is given on page 252, together with reference to the treaties laws, or orders affecting the same.

The Chickasaw lands and the outboundaries of all the lands are surveyed.

The Chickasaw and Choctaw lands are held by them in common under their treaties, namely, the Choctaws own three-fourths of the rights and interests and the Chickasaws one-fourth. These lands were obtained from the United States under treaty, and patents in gross or to the nations have been issued for the same. Whether these patents are in fee is a question. Still in all of these patents or the treaties under which they are made there is reserved a supervising power of distribution, at least by the United States.

The lands of The Five Civilized Tribes are among the most valuable in the United States and form one of the watered sections in the country.

No lands can be disposed of by the Indian nations or tribes or individuals in Indian territory. The United States must approve or concur in title to lands in this territory. There are no public lands therein coming within

the provisions of the settlement or disposition laws. No act of Congress has brought any portion of the lands of the territory under the operation of any public land laws. Persons entering Indian territory as settlers and claiming land under the public land laws of the United States become intruders and trespassers. (a)

#### UNITED STATES LAND PATENTS TO THE FIVE TRIBES OR NATIONS.

The following statement is taken from the report of the Commissioner of Indian Affairs for 1890, pages xxxiv and xxxv: patents have been issued to the Cherokee, Choctaw, and Creek Nations for the tracts respectively defined by treaty stipulations as follows:

December 31, 1838, to the Cherokee Nation forever, upon conditions, one of which is "that the lands hereby granted shall revert to the United States if the said Cherokees become extinct or abandon the same".

March 23, 1842, to the Choctaw Nation, in fee simple to them and their descendants, "to inure to them while they shall exist as a nation and live on it, liable to no transfer or alienation, except to the United States or with their consent". [The Chickasaw lands are embraced in this patent.]

August 11, 1852, to the Muskogee or Creek tribe of Indians "so long as they shall exist as a nation and continue to occupy the country hereby conveyed to them".

The title therefore of the Cherokees, Choctaws [Chickasaws], and Creeks to their lands is not the ordinary Indian title by occupancy, but is a base, qualified, or determinable fee, with only a possibility of reversion to the United States. (United States v. Reese, 5 Dill., 405), and the authorities of these nations may cut, sell, and dispose of their timber, and may permit mining and grazing within the limits of their respective tracts by their own citizens.

The general allotment act provides that the law of descent and partition in force in the state or territory where such lands are situate shall apply to all allotments made under said act after patents therefor have been executed and delivered; and that the laws of the state of Kansas regulating the descent and partition of real estate shall, as far as practicable, apply to all lands in the Indian territory which may be allotted under the provisions of said act.

The Seminole lands are held by them under treaty of purchase from the Creeks, confirmed by the United States.

The question of allotment in The Five Tribes is one which will probably have to be settled under special authority of Congress.

The lands of The Five Tribes are known among them as "public domain", and are held in common. Occupation of lands for any purpose gives a possessory or occupancy title, which can be defended in the tribal courts. A person running a furrow with a plow around a tract of land holds all within the same, and in case it covers a road or public highway the road must be changed and pass around the tract. Abandonment of lands so held for a term, 2 years usually, throws it back into the public domain, to be used or occupied by a new occupant.

No titles are recorded. Occupancy titles to lands can be sold by one citizen of a nation to the others, but no such title or lands can be sold by a citizen of any of the nations to a citizen of the United States. Enormous areas of lands belonging to The Five Tribes are now held by individuals under this system for their own use, and these men are usually found to be opposed to allotment. The Creeks and Cherokees are affected more than the others. Principal Chief J. B. Mayes of the Cherokee Nation, in his fourth annual message, November 4, 1890, thus referred to the absorption of the public lands by citizens. He says:

The settlement of public domain has become one of the greatest questions that concern our people. When the Cherokees were greatly a pastoral people the land was prized for the grass and cane which furnished ample food for their stock and the land valued on account of the natural growth it furnished for the subsistence of one's herds, then the settlement of the public domain was an easy problem. But to-day the Cherokees are an agricultural people; wheat, corn, cotton, fruits, and vegetables are produced in abundance for exportation. Large wealth is now being accumulated in tilling the soil, so much so that our valuable lands will soon be taken up and put in cultivation, thereby making permanent and happy homes. Hence this important question presses itself upon your consideration. The strong, energetic, and wealthy class of our citizens will naturally get possession of our rich lands and monopolize the use of the same. Our forefathers in the formation of this government wisely looked to this day and engrafted in the constitution a provision by which this monopoly could be restrained.

At this time this monopoly has grown to be an evil that demands your immediate action. The information I have from many parts of the country is that individuals have become so infatuated with the accumulation of improvements that single persons claim as many as 30 farms. The country in some sections is literally fenced in without a pass way. While you should encourage every citizen to make and own good farms and become large tillers of the soil, there should certainly be a limit to this greed. You should teach the people that every one has an equal interest in this our common country, and when they properly understand and fully appreciate this great family government and estate, they will then know that a few citizens can not fence up and own the entire country.

a The following is the form of proclamation warning intruders out of a tribe or nation. It was posted on trees, houses, or fences in the Chickasaw Nation:

#### NOTICE—TO ALL PERSONS WHO RESIDE IN THE CHICKASAW NATION CONTRARY TO LAW OR WITHOUT AUTHORITY OF LAW

Notice is hereby given to citizens of the United States who reside in the Chickasaw Nation that they must obtain their permit in the manner and within the time prescribed by the laws of the said Chickasaw Nation, and must comply with all laws of the said nation.

Now, under and in accordance with the instructions from the Commissioner of Indian Affairs, notice and warning is hereby given to all persons who reside in the Chickasaw Nation contrary to law or without authority of law that they must remove with their movable property from within the Chickasaw Nation and the Indian territory by or before the first day of November, 1890, and that any crop or crops that may be planted by them in the Chickasaw Nation will be so planted at their own risk.

LEO E. BENNETT,  
United States Indian Agent.

The way in which this monopoly is greatly carried on is by our citizens entering into pretended leases of the land to noncitizens for a number of years, which is plain-violation of the laws of this nation. The citizen is to get all improvements after the noncitizen gets the use of the land, and in many instances after the land is nearly worn out. The citizen, as a general thing, has never invested a dollar in this transaction. I am also informed that a land office business is being carried on between noncitizens in buying and selling these leases. You can at once see the great evil and danger that will be entailed on the country by this unscrupulous action of our own citizens. I am of the opinion that you are justified in resorting to extreme measures to relieve our country of this curse.

In the same message Chief Mayes says:

The national council has never assumed the sole right of disposing of lands belonging to the Cherokee people.

The treaty of 1866 was a result of the civil war and forced upon this nation as an alternative for something worse. The Cherokees submitted to and ratified it, whereby an agreement was made for the sale of the Cherokee lands west of [meridian] 96 for the settlement of friendly Indians; but this idea has long since been abandoned by the United States government. The original intention to reserve the entire Indian territory for the Indians, as at first inaugurated by such men as Jefferson and Jackson, was still provided for in the treaty of 1866 and carried out in good faith by that great man General Grant at the close of the late war; but this faith was broken and violated in the organization of the United States territory of Oklahoma in the midst of the Indian country. Under these circumstances the Cherokee Nation must consider the full and complete ownership of these lands, and if ever sold it must be by all means at a price equal to the value, either by a constitutional amendment or by the modification of the treaty of 1866 in a manner that will make the sale to the government instead of to friendly Indians. This can, perhaps, be effected if the Cherokees so desire it, and by following this line of policy the sale, if made at all, should be made under the shelter of treaty stipulations, which treaty stipulations the Cherokees can never afford to lose sight of as a safeguard in their dealings with the government of the United States.

Our people should feel proud and thankful that such distinguished men as Senators Butler, Teller, Ingalls, and Dawes and others have the manhood to openly declare on the floor of the United States Senate that this land is the property of the Cherokee Nation, and that we have the right to live upon it and keep it forever, and if we choose, to sell it; that we are entitled to its value.

A distinguished senator remarked in a speech in the United States Senate that the Cherokee commissioners came to this country with a proposition in "one hand and a sword in the other" to buy our land for \$1.25 per acre, which is worth from \$3 to \$5 and even \$10 per acre. Politics should not enter into your deliberations on this question, as it is a matter of pecuniary interest to every citizen alike. A division and political strife on this subject may cause the nation to lose millions of dollars. Whatever is done, let us come together as one family and agree for the best.

The allotment of 160 acres of land to a person would be possible in all of The Five Tribes except the Seminole. In the Seminole tribe or nation it is probable that the land holdings, namely, 375,000 acres, will be about enough to give each Indian an allotment, with but little, if any, surplus for sale or other disposition. In the other nations there will be an excess for sale, on a basis of 160 acres to each person. The surplus will depend on the area to be allotted, and whether or not all will take alike as to acreage, men, women, and children, heads of families or not. (a)

#### HISTORICAL OUTLINE OF THE FIVE CIVILIZED TRIBES.

The Five Civilized Tribes of Indian territory are of two stocks: the Cherokees of Iroquoian and the Creeks, Seminoles, Choctaws, and Chickasaws of Muskogean stock. Originally they inhabited contiguous portions of the Atlantic coast in and below Virginia, and claimed westward to the Mississippi river. They present many tribal features peculiar to themselves, and it is to be regretted that not one of these Five Tribes has a written history of any extent. Neither Indian nor white man has been found to preserve a full record of these people, who, since the advent of the whites, have met the conditions of war or requirements of peace with dignity and ability. A vast collection of written material and legend is at hand, and many old Indians of these tribes even now can be found speaking aboriginal languages only, who could contribute much of value in relation to their people.

The local traditions and names of places in the states which were their former homes contain much to aid a historian. No history of any of the states they originally occupied can be written without ample reference to them. The mountain chains, valleys, rivers, and towns of the southeast bear their names and will preserve their memory. Pioneer life in the region named was a terror, owing to their warlike raids, and their resistance to encroaching white life and their gradual withdrawal before it have been carried in story and in song and live in the history of the United States. No force of whites was too strong for them to attack, no distance too great to travel for battle. In the meantime they were noted for keeping their word when once passed, and famous for hospitality when not invaded by armed force. Osceola, Billy Bowlegs, Big Dutch, and their warriors within a century will always be famous. Take in illustration the Creek war of 1813-1814. The Creeks had adopted many of the arts of civilization, when Tecumseh, the Shawnee chief, went among them and urged them to join the north western confederation and abandon civilized life. With his great eloquence he pictured the restraints of civilization and the beauties of unrestrained wild life, which they enjoyed prior to the advent of the whites. This war resulted in a loss to the whites of 689 killed and wounded, while 1,300 Creek Indians were killed and thousands wounded. This war broke the back of the Creek confederacy and afterward they were at peace.

The Seminole war of 1835-1842 is an illustration of the prowess of this people. It required an army of 41,000 whites, under such generals as Scott, Taylor, Gaines, Clinch, and Worth, to subdue this handful of people, who from everglade or forest poured upon them an almost incessant fire. It cost more than \$10,000,000. This war was caused by the refusal of the Seminoles to abandon their homes in Florida and remove to lands west of the

a In a Senate report, Fifty-second Congress, first session, No. 1079, can be found a table of land holdings per capita in The Five Tribes.

Mississippi river. The whites suffered a total loss of 765 killed and wounded. Five hundred and forty Indians were killed out of a tribe estimated then at 1,000 all told.

The descendants of those fierce warriors of The Five Tribes are now the best of Indian citizens, and compare favorably with the whites about them in Indian territory, not showing a trace of their former warlike propensities.

The tribal history, legends, beliefs, customs, and myths of The Five Civilized Tribes would fill volumes. Their traditions of heroes and warriors show the highest human courage and devotion to tribe and country. Their legends, interwoven with descriptions of the beautiful country they occupied, are classic in detail and round out into epics. Their customs were peculiar. Their form of tribal government in many features was entirely original, while useful and bringing contentment to their people. Their myths, almost oriental in their richness of coloring, exceeded the usual aboriginal imagination.

The Cherokee Nation, by a treaty made in 1817, ceded to the United States an area of land lying east of the Mississippi river. In exchange for this the United States ceded to that part of the nation then on the Arkansas river as much land on that river, acre for acre, as the United States received from them east of the Mississippi river, and provided that all treaties then in force should continue in full force with all of the Cherokees. This established the two names, eastern and western Cherokees. The eastern band of Cherokees is the portion now living in North Carolina, Georgia, and East Tennessee, but chiefly in North Carolina on a tract of land known as the Qualla boundary. They are thus designated to distinguish them from the Cherokees who emigrated between 1809 and 1817 and located on the public domain at the headwaters of Arkansas and White rivers, and who are now known as the Cherokee Nation, Indian territory. The latter became known as the Cherokee Nation, west. The general term, the Cherokee Nation, includes both. Some of the eastern Cherokees after 1866, on invitation, joined the western Cherokees and are now with them in Indian territory.

As early as 1809 the aggregate of annuities due the Cherokees on account of the sale of lands to the United States was \$100,000, and it was provided by articles of the treaty of 1817 that a census should be taken of those east and of those west and of those still intending to remove west, and also that a division of the annuities should be made ratably, according to numbers as ascertained by said census, between those who were east and those who were west. Thus the Cherokees, although geographically separated, were treated as a unit, and all property owned by them was treated as common property.

In 1819 they were estimated at 15,000 in number. By a treaty made in 1819 the formal census was dispensed with, and for the purpose of distribution it was assumed that one-third had removed west and that two-thirds were yet remaining east of the Mississippi river. At the same time the nation made a further cession to the United States of land lying east of the Mississippi. Upon the basis of this estimate of numbers, in lieu of a census, annuities were distributed until the year 1835.

By a treaty made in 1828 with the Western Cherokees, the United States guaranteed to them 7,000,000 acres, with a perpetual outlet west as far as the sovereignty and right of soil of the United States extended. This vast tract was in what has been known as Indian territory, and the Cherokees at the same time surrendered the lands occupied by them on the Arkansas and White rivers, to which they had removed between the years 1809 and 1817. In 1819 there were estimated to be 6,000 of them in Arkansas. By the same treaty special inducements were offered to those east to remove west, including a rifle, blanket, kettle, 5 pounds of tobacco, and cost of emigration to each person, with a just compensation for the property each might abandon.

The treaty of 1833 simply redefined the boundaries of the land mentioned in the treaty of 1828. In 1835 the Cherokees still held a quantity of land east of the Mississippi larger than the states of Massachusetts, Rhode Island, and Connecticut combined. It had been agreed that the United States Senate should fix the price that should be paid for these lands in contemplation of the cession of the same to the United States. The Senate fixed the price at \$5,000,000. The original draft of the treaty of 1835 authorized such Cherokees as so desired to remain east, and in such event set apart certain lands to them. By supplemental treaty in 1836 the United States initiated the policy of compelling the Eastern Cherokees to remove west. The Cherokee treaty of 1836, whereby they were to remove west from Georgia produced factions among the Cherokees and much bloodshed. The 6 Cherokees who signed that treaty in Georgia on behalf of the Cherokees always claimed that they affixed their names under a positive assurance from Rev. Mr. Schermerhorn, the United States agent, that the treaty should not be held binding until the Ross delegation, then in Washington on behalf of the Cherokees, should consent. The Ross delegation were not consulted as to the treaty going into effect, and the forced expulsion of the Cherokees began. In 1838 General Winfield Scott employed 2,000 troops for the purpose. It was a fearful policy. The Indians were hunted over their native lands as if they were wild beasts. As many as escaped capture clung to their homes, and by the treaty of 1846 it was agreed that they might remain, and the present Eastern Band of Cherokees is the remnant.

All of this mixed condition has been a fruitful source of litigation and legislation, and the rights of the Eastern and Western Cherokees, and questions growing out of treaties and laws relating to them, are not yet settled. The Cherokees since 1776 have made about 40 treaties with the United States, and claim to have ceded more than 80,000,000 acres of land to the whites.

The Cherokee Nation of Indian territory came to the present location in 1839. The Cherokees in Arkansas, 6,000, and those removed in Georgia, estimated at 16,000, made a joint removal and thus formed the Cherokee Nation in Indian territory. One reason for their removal was that frequent cessions of their lands had reduced their territory to less than 8,000 square miles in extent. There was also the hostility of the Georgians. They were removed in 1838 to their present reservation in the Indian territory, excepting a number who remained in North Carolina and adjoining states. At the opening of the war of the rebellion in 1861 the Cherokees in Indian territory had progressed to a high degree of prosperity, but they suffered great injury from both parties ravaging their country, and heavy loss by the emancipation of their slaves. Nearly all the Cherokees at first joined the Confederacy, but after the fight at Pea Ridge a majority of the nation abandoned the Southern cause and joined the Union forces; a part adhered to the Confederacy to the end. At the time of their removal west the Cherokees were estimated at between 24,000 and 27,000. In 1867 they were reduced to 13,566, but since then they have increased. In 1871 they numbered about 18,000; in 1880, about 18,500.

#### CHEROKEES IN SOUTH CAROLINA.

Harry Hammond, in "South Carolina, Resources and Population, Institutions and Industries", published by the state board of agriculture in 1883 (page 365), gives the following outline and statement regarding the Cherokees as found by John Lawson in 1700:

Nation: Cherokee. Tribes: Echotee, Nequasse, Tehohe, Chatusee, Noyowee, Chagee, Estatoe, Tussee, Cussatee, Tugoola, Keowee, Echay, Aconee, Toxaway, Seneka, Tewraw, Tukwashaw, Chickerohe, Naguchie, Totero, Quacoratchie, Chota, Eno, Stickoe, Esaw, Sapona, Wisack.

The Cherokees were a mountain race, occupying extensive territory in Alabama, Tennessee, Georgia, North and South Carolina, and Kentucky. Less than one-tenth of this territory is in the present boundaries of South Carolina, comprising the counties of Oconee, Pickens, Anderson, Greenville, and Spartanburg, which would make the number of warriors in this state by Adair's computation to have been 230, or a total population not exceeding 1,000. They were expelled in 1777 for siding with the British, and are now the most advanced in civilization of the Indians.

The above names are local and the Cherokee Indians in the vicinity took the local name. This designating Indian tribes by names of localities in early days gave much color to the stories of a vast number of tribes and an enormous Indian population.

#### IROQUOIAN FAMILY.

As to the name, original location, geographical distribution, and tribal relations of the Cherokees, the Seventh Annual Report of the Bureau of Ethnology gives the following information (pages 76-79):

Iroquois, Gallatin in *Trans. Am. Antiq. Soc.*, II, 21, 23, 305, 1836 (excludes Cherokees). Prichard, *Phys. Hist. Mankind*, v. 381, 1847 (follows Gallatin). Gallatin in *Trans. Am. Eth. Soc.*, II, pt. I, xcix, 77, 1848 (as in 1836). Gallatin, in Schoolcraft, *Ind. Tribes*, III, 401, 1853.

Latham in *Trans. Philolog. Soc. Lond.*, 58, 1856. Latham, *Opuscula*, 327, 1860. Latham, *Elements Comp. Phil.*, 463, 1862.

Irokesen, Berghaus (1845), *Physik. Atlas*, map 17, 1848. *Ibid.*, 1852.

Irokesen, Berghaus, *Physik. Atlas*, map 72, 1887 (includes Kataba and said to be derived from Dakota).

Huron-Iroquois, Bancroft, *Hist. U. S.*, III, 243, 1840.

Wyandot-Iroquois, Keane, *App. Stanford's Comp. (Cent. and So. Am.)*, 460, 468, 1878.

Cherokees, Gallatin in *Am. Antiq. Soc.* II, 89, 306, 1836 (kept apart from Iroquois though probable affinity asserted). Bancroft, *History U. S.*, III, 246, 1840. Prichard, *Phys. Hist. Mankind*, v. 401, 1847. Gallatin in *Trans. Am. Eth. Soc.*, II, pt. I, xcix, 77, 1848. Latham in *Trans. Philolog. Soc. Lond.*, 58, 1856 (a separate group perhaps to be classed with Iroquois and Sioux). Gallatin in Schoolcraft, *Ind. Tribes*, III, 401, 1853. Latham, *Opuscula*, 327, 1860. Keane, *App. Stanford's Comp. (Cent. and So. Am.)*, 460, 472, 1878 (same as Chelekees or Tsalagi "apparently entirely distinct from all other American tongues").

Tschirokies, Berghaus (1845), *Physik. Atlas*, map 17, 1848.

Chelekees, Keane, *App. Stanford's Comp. (Cent. and So. Am.)*, 472, 1878, (or Cherokees).

Cheroki, Gatschet, *Creek Mig. Legend*, I, 24, 1884. Gatschet in *Science*, 413, April 29, 1887.

Huron-Cherokee, Hale in *Am. Antiq.*, 20, Jan., 1883 (proposed as a family name instead of Huron-Iroquois; relationship to Iroquois affirmed).

**DERIVATION.**—French adaptation of the Iroquois word *Hiro*, used to conclude a speech, and *koué*, an exclamation (Charlevoix). Hale gives as possible derivation *ierokwa*, the indeterminate form of the verb to smoke, signifying "they who smoke", also the Cayuga form of bear, *iakwai*. Mr. Hewitt suggests the Algonquin words *irin*, true or real; *ako*, snake; with the French termination *ois*, the word becomes *Irinakois*.

With reference to this family it is of interest to note that as early as 1798 Barton compared the Cherokee language with that of the Iroquois, and stated his belief that there was a connection between them. Gallatin, in the *Archæologia Americana*, refers to the opinion expressed by Barton, and although he states that he is inclined to agree with that author, yet he does not formally refer Cherokee to that family, concluding that "we have not a sufficient knowledge of the grammar, and generally of the language of The Five Nations, or of the Wyandots, to decide that question".

Mr. Hale was the first to give formal expression to his belief in the affinity of the Cherokee to Iroquois. Recently extensive Cherokee vocabularies have come into possession of the Bureau of Ethnology, and a careful comparison of them with ample Iroquois material has been made by Mr. Hewitt. The result is convincing proof of the relationship of the two languages as affirmed by Barton so long ago.

**GEOGRAPHIC DISTRIBUTION.**—Unlike most linguistic stocks, the Iroquoian tribes did not occupy a continuous area, but when first known to Europeans were settled in 3 distinct regions, separated from each other by tribes of other lineage. The northern group was surrounded by tribes of Algonquian stock, while the more southern groups bordered upon the Catawba and Maskoki.

A tradition of the Iroquois points to the St. Lawrence region as the early home of the Iroquoian tribes, whence they gradually moved down to the southwest along the shores of the Great Lakes.

When Cartier, in 1534, first explored the bays and inlets of the Gulf of St. Lawrence he met a Huron-Iroquoian people on the shores of the bay of Gaspé, who also visited the northern coast of the gulf. In the following year when he sailed up the St. Lawrence river he found the banks of the river from Québec to Montreal occupied by an Iroquoian people. From statements of Champlain and other early explorers it seems probable that the Wyandot once occupied the country along the northern shore of Lake Ontario.

The Conestoga, and perhaps some allied tribes, occupied the country about the lower Susquehanna, in Pennsylvania and Maryland, and have commonly been regarded as an isolated body, but it seems probable that their territory was contiguous to that of The Five Nations on the north before the Delaware began their westward movement.

As the Cherokee were the principal tribe on the borders of the southern colonies and occupied the leading place in all the treaty negotiations, they came to be considered as the owners of a large territory to which they had no real claim. Their first sale, in 1721, embraced a tract in South Carolina between the Congaree and the south fork of the Edisto, but about one-half of this tract, forming the present Lexington county, belonged to the Congaree. In 1755 they sold a second tract above the first and extending across South Carolina from the Savannah to the Catawba (or Wateree), but all of this tract east of Broad river belonged to other tribes. The lower part, between the Congaree and the Wateree, had been sold 20 years before, and in the upper part the Broad river was acknowledged as the western Catawba boundary. In 1770 they sold a tract, principally in Virginia and West Virginia, bounded east by the Great Kanawha, but the Iroquois claimed by conquest all of this tract northwest of the main ridge of the Alleghany and Cumberland mountains, and extending at least to the Kentucky river, and 2 years previously they had made a treaty with Sir William Johnson by which they were recognized as the owners of all between Cumberland mountains and the Ohio down to the Tennessee. The Cumberland River basin was the only part of this tract to which the Cherokee had any real title, having driven out the former occupants, the Shawnee, about 1721. The Cherokee had no villages north of the Tennessee (this probably includes the Holston as its upper part), and at a conference at Albany the Cherokee delegates presented to the Iroquois the skin of a deer, which they said belonged to the Iroquois, as the animal had been killed north of the Tennessee. In 1805, 1806, and 1817 they sold several tracts, mainly in middle Tennessee, north of the Tennessee river, and extending to the Cumberland river watershed, but this territory was claimed and had been occupied by the Chickasaw, and at one conference the Cherokee admitted their claim. The adjacent tract in northern Alabama and Georgia, on the head waters of the Coosa, was not permanently occupied by the Cherokee until they began to move westward, about 1770.

The whole region of West Virginia, Kentucky, and the Cumberland River region of Tennessee was claimed by the Iroquois and Cherokee, but the Iroquois never occupied any of it and the Cherokee could not be said to occupy any beyond the Cumberland mountains. The Cumberland river was originally held by the Shawnee, and the rest was occupied, so far as it was occupied at all, by the Shawnee, Delaware, and occasionally by the Wyandot and Mingo (Iroquoian), who made regular excursions southward across the Ohio every year to hunt and to make salt at the licks. Most of the temporary camps or villages in Kentucky and West Virginia were built by the Shawnee and Delaware. The Shawnee and Delaware were the principal barrier to the settlement of Kentucky and West Virginia for a period of 20 years, while in all that time neither the Cherokee nor the Iroquois offered any resistance or checked the opposition of the Ohio tribes.

The Cherokee bounds in Virginia should be extended along the mountain region as far at least as the James river, as they claim to have lived at the Peaks of Otter, and seem to be identical with the Rickohocken or Rechaecrian of the early Virginia writers, who lived in the mountains beyond the Monacan, and in 1636 ravaged the lowland country as far as the site of Richmond, and defeated the English and the Powhatan Indians in a pitched battle at that place.

The language of the Tuscarora, formerly of northeastern North Carolina, connects them directly with the northern Iroquois. The Chowanoc and Nottoway and other cognate tribes adjoining the Tuscarora may have been offshoots from that tribe.

PRINCIPAL TRIBES.—Cayuga, Cherokee, Conestoga, Erie, Mohawk, Nenter, Nottoway, Oneida, Onondaga, Seneca, Tionontate, Tuscarora, Wyandot.

### THE CREEKS.

The Creeks were originally a fierce and warlike tribe with great organizing and controlling capacity. The original Creek confederacy was a confederacy of towns. Each town was a complete government in itself. There was a town chief for each town and a body of men in the nature of an advisory council, and in this great council of the confederacy these several towns were represented by the town chiefs.

These Creek towns are still preserved in the Creek Nation in Indian territory, and are in fact representative districts. In 1832 they made a treaty with the United States ceding the lands of their old homes, and removed to Indian territory, which, in fact, they settled at the "Old Agency".

Twenty-four thousand five hundred and ninety-four Creeks were removed west of the Mississippi in 1832 and after, only 744 remaining on their old hunting grounds. At the breaking out of the civil war the western Creeks were estimated to number less than 15,000. The Creeks divided on the war of 1861, and engaged in pitched battles against each other, the Unionists suffering badly, many fleeing to Kansas. They were brought together again after the war, and in 1872 numbered, as estimated, 13,000, and in 1890, by their census, 14,800.

### CREEKS IN SOUTH CAROLINA.

Harry Hammond, in the work on South Carolina already cited, speaks of the Creeks as follows (page 366):

Nation: Creeks or Muscogee. Tribes: Savannah, Serenna, Cusaboe, Yamassee, Huspa, and Cosah. Fragmentary tribes on the Savannah river, south of the Uchees, in Barnwell county.

The Yamassees numbered about 100 men, women, and children, near Pocotaligo, in 1715, and were driven across the Savannah by Governor Craven. Twenty men of the tribe were left at St. Augustine, Florida, in 1743, and they were absorbed by the Seminoles. The Yamassee, or Jamassi, were one of a small number of isolated tribes, of dark complexion, found widely scattered among the inhabitants of North and South America. Supposed to have been immigrants from Africa prior to the European discovery of America (See Human Species, by A. De Quatrefages). If this be so, it explains why D'Alyon persisted in slave hunting about Beaufort (1520), these negroes being valuable as laborers, while the Indians were worthless. It were strange, too, if negroes first occupied this section where they now predominate.



Salutah: Located near Saluda, old town, Newberry county, removed to Conestoga, in Pennsylvania.

Congaree: On the river of that name. John Lawson visited them in 1700 and found a town of 12 huts, one man at home and the women gambling.

Santee: Near Nelsons Ferry in Clarendon. John Lawson found a few of their huts in 1700.

Westoes and Stonoes: Between Edisto and Ashley rivers in Colleton and Charleston counties; amalgamated with the Catawbas.

Wateree and Chickasee: On Pine Tree creek, Kershaw county. Lawson says they were more populous than the Congarees.

Waxsaws: Lawson makes a day's march from the last.

Wenec: Indian. Old township, Williamsburg county.

Winyaw: On the inlet of that name.

Sewee: On Sewee bay. Lawson says the larger part of them were lost at sea, or rescued and sold as slaves by the English in an attempt they made to open direct communication with England by a fleet of canoes, in which they put to sea in the direction whence they had observed the English vessels arrive.

Saraw, or Cheraw: Chesterfield and Marlboro counties, absorbed by the Catawbas.

Kadapaw: Lynchs creek. Joined the Catawbas.

The Pee Dees are not mentioned, as it is thought the name is of European origin, probably from P. D., the initials of Patrick Daly, a white man, carved upon a tree by an early settler.

The 19 tribes claimed under the Creek Nation, occupying at least one-half of the state, appear to have been very insignificant in numbers, according to the earliest authentic accounts of them. Governor Glenn sums them up in one sentence: "There are among our settlements several small tribes of Indians, consisting only of some few families each". Lawson says of them: "Although their tribes or nations border upon one another, yet you may often discern as great an alteration in their features and disposition (he was much impressed by the comeliness of the Congaree women) as you can in their speech, which generally proves quite different from each other, though their nations be not above 10 or 20 miles in distance.

The Creeks in South Carolina at their discovery by the whites are estimated by Hammond at about 400.

UCHEES, MUSKHOGEAN STOCK, WITH THE CREEKS.—With the Creeks are the Uchees or Eucheas of Uchean stock. The Uchees are part of the Uchees who once occupied the southern part of Georgia and peninsula of Florida. They consolidated with the Creeks in or about 1729, being of the same stock. They became for all purposes Creeks, and removed with them to Indian territory in 1832. They now live in a district by themselves in the northwest corner of the Creek Nation and number from 400 to 700. They speak their own language, a peculiar guttural one, and intermarry among themselves. In taking the census of 1890, great difficulty was found in obtaining an enumerator competent to enroll them.

Harry Hammond (op. cit., page 366) says of them:

About one-eighth of the territory of the Uchees extended across the Savannah river into Aiken, Edgefield, and Barnwell counties. There is no estimate of their numbers. Their Princess of Cufitachiqui (Silver Bluff) entertained De Soto with great splendor, according to the narrative of the Gentleman of Elvas (1540). They were absorbed by the Creeks, and have left no trace except in the name of a small stream in Silverton township, Aiken county, and of a neighboring steamboat landing on the Savannah, Talemeco, after their great temple, which it is said stood there in De Soto's time.

#### UCHEAN FAMILY.

As to the name, original location, and geographic distribution of the Uchees, the Seventh Annual Report of the Bureau of Ethnology, 1885-1886 states, (pages 126, 127):

Uchees, Gallatin in Trans. and Coll. Am. Antiq. Soc. II., 95, 1836 (based upon the Uchees alone). Bancroft, Hist. U. S., III., 247, 1840.

Gallatin in Trans. Am. Eth. Soc., II., pt. 1, xcix, 77, 1848. Keane, App. Stanford's Comp. (Cent. and So. Am.), 472, 1878 suggests that the language may have been akin to Natchez.

Uchees, Gallatin in Trans. and Coll. Am. Antiq. Soc., II., 306, 1836. Gallatin in Schoolcraft, Ind. Tribes, III., 401, 1853. Keane, App. Stanford's Comp. (Cent. and So. Am.) 472, 1878.

Utschies, Berghaus (1845), Physik. Atlas, map 17, 1848. Ibid., 1852.

Uche Latham, Nat. Hist. Man, 338, 1850 (Coosa River). Latham in Trans. Philolog. Soc. Lond., II., 31-50, 1846. Latham, Opuscula, 293, 1860.

Yuchi, Gatschet, Creek Mig. Legend, I, 17, 1884. Gatschet in Science, 413, April 29, 1887.

The following is the account of this tribe given by Gallatin (probably derived from Hawkins) in *Archaeologia Americana*, page 95:

The original seats of the Uchees were east of Coosa and probably of the Chatahoochee; and they consider themselves as the most ancient inhabitants of the country. They may have been the same nation which is called Apalaches in the accounts of De Soto's expedition, and their towns were till lately principally on Flint river.

GEOGRAPHIC DESCRIPTION.—The pristine homes of the Yuchi are not now traceable with any degree of certainty. The Yuchi are supposed to have been visited by De Soto during his memorable march, and the town of Cofitachiqui chronicled by him is believed by many investigators to have stood at Silver Bluff, on the left bank of the Savannah, about 25 miles below Augusta. If, as is supposed by some authorities, Cofitachiqui was a Yuchi town, this would locate the Yuchi in a section which, when first known to the whites, was occupied by the Shawnee. Later the Yuchi appear to have lived somewhat farther down the Savannah on the eastern and also the western side, as far as the Ogeechee river, and also upon tracts above and below Augusta, Georgia. These tracts were claimed by them as late as 1736.

In 1729 a portion of the Yuchi left their old seats and settled among the Lower Creek on the Chatahoochee river; there they established 3 colony villages in the neighborhood, and later on a Yuchi settlement is mentioned on Lower Tallapoosa river among the Upper Creek. Filson gives a list of 30 Indian tribes and a statement concerning Yuchi towns which he must have obtained from a much earlier source: "Uchees occupy 4 different places of residence, at the head of St. Johns, the fork of St. Marys, the head of Cannouchee, and the head of St. Tillis" (Satilla), etc.

POPULATION.—More than 600 Yuchi reside in northeastern Indian territory, upon the Arkansas river, where they are usually classed as Creek. Doubtless the latter are to some extent intermarried with them, but the Yuchi are jealous of their name and tenacious of their position as a tribe.

### THE SEMINOLES.

When the Creeks resided in Alabama it was customary for the members of the confederacy to go on hunting excursions, and sometimes these hunting parties would be gone for months. They would go a distance of from 100 to 200 miles. In one of these hunting excursions the Seminoles, the word "Seminoles" meaning strayed people, failed to return to the tribe and remained permanently away, and on this account it is said that they were called Seminoles; in the language of the Creeks, Isti-Semole, wild or strayed men. They are Creeks, and they were considered as such and treated with the Creeks as one people until the treaty of 1866. In treaties prior to that time the Seminoles and Creeks are all spoken of as one people.

In 1856 the Creeks by treaty sold the Seminoles a tract of country, which they occupied for a time, and in 1866 they sold it to the United States for 15 cents an acre. In 1866 the Seminoles bought of the United States, at 50 cents an acre, 200,000 acres of Creek land which they now occupy, being part of their lands. Under the treaty of 1856 they could bring, as they did, a portion of their brethren from Florida. The Seminoles in Florida in 1890 numbered 171, all self-sustaining. They are in two distinct bands, the Okechobee and Tiger Tails band near the Everglades and Key Biscayne. They are famous hunters and fishermen.

The Creeks in 1831-1832 sold the Seminoles another tract of 175,000 acres, which they now occupy, making their entire land holdings in Indian territory 375,000 acres, or 586 square miles. By the treaty of 1866 the United States recognizes the Seminoles as a separate and distinct nation. They are the least known of any of The Five Civilized Tribes. They are exclusive and keep to themselves, with not much desire for advanced education.

### HISTORY OF THE CHOCTAWS AND CHICKASAWS.

R. W. McAdam, treating of the traditions, early history, and progress of the Choctaws and Chickasaws, writes:

If credence is to be given tradition the Choctaws, Chickasaws, Muskogees (Creeks), and Seminoles were many centuries ago one tribe, occupying the southeastern portion of the United States from the Mississippi to the Savannah river. Internecine rebellions, engendered by factional quarrels and the jealousies of ambitious chiefs, ultimately divided the great nation into 4 tribes, which, in the course of time, learned different dialects, customs, and laws. The Seminoles claimed as their domain the peninsula country, now Florida; the Creeks, the region north of the Seminoles, comprising a part of eastern Alabama, Georgia, and perhaps part of South Carolina; the Choctaws a large portion of Alabama and the southern half of Mississippi; the Chickasaws, the lands to the north of the Choctaws, comprising northern Mississippi and a portion of west Tennessee. When De Soto explored this region (1540) these tribes occupied the territory in the manner described.

The Choctaws and the Chickasaws had their traditions, many of which have been preserved to this day. In the old Choctaw country is a cave in a hill which the Choctaws held as sacred, claiming that the first parents of their people came from this cave by magic. The Chickasaws have another tradition. Long centuries ago, when the Choctaws and Chickasaws were one people, they dwelt far to the west of the Mississippi. Driven by ferocious northern Indians from their country, they journeyed toward the sunrise many moons, under the guardianship of a sacred dog, led onward by a magic pole, which they planted in the ground every night, and in the morning traveled toward the direction the pole leaned. At last, after crossing vast deserts, boundless forests, and dismal swamps, leaving thousands of their dead along the way, they reached the great Father of Waters. While crossing the Mississippi the sacred dog was drowned. Following the direction indicated by the magic pole they continued eastward to the banks of the Alabama river, where the pole, after being unsettled for several days, pointed distinctly southwest. They proceeded in that direction to the southern portion of Mississippi, where the pole planted itself firmly in a perpendicular line. This was the omen for permanent settlement, and here the tribe dwelt. Tradition concerning the rebellion and formation of an independent tribe by the Chickasaws is very vague. The word Chikasha (Chickasaw) in the Choctaw tongue signifies rebel, the latter tribe giving its rebellious offshoot that name, which the Chickasaws evidently accepted as their distinctive tribal name. \* \* \*

When the early navigators touched upon the unknown shores of the Gulf of Mexico, the red men who greeted them were not savages, living exclusively by the chase and the spoils of war. In a measure these Indians were civilized. They had their rude arts, laws, customs, and religion, inferior but somewhat similar to those of the Aztecs and Incas, which leads to the belief that the magic pole tradition had its origin in an exodus of these tribes from Mexico. The theory that the Chickasaws and Choctaws were an offshoot of the civilized Aztecs has some foundation. They were not primarily a warlike race. Their disposition was not ferocious, although they were capable of waging long and bloody wars when driven to such an extremity by perfidy and wrong. The ancient government of the Choctaws and Chickasaws was democratic and simple. Their ruler was called king, but his authority was abridged by the powers of the council, which was made and unmade at will by the people. Their ideas of justice were based on principles of equity. Virtue, truth, and honesty were, it is said, a striking characteristic. Their methods of agriculture were crude, but it is certain that they cultivated

the great Indian cereal and prepared it for food by crushing, the meal being baked as bread, or the grain parched or boiled whole. Their theology was beautifully poetic and largely a worship of the heart, without the elaborate and barbarous rites of the sun worshipers farther south. To their simple imagining the manifestations of the Great Spirit were constantly heard and seen in the works of nature. Their daily life was one of devotion to quaint and pretty superstitions and spirit worship. When De Soto, Deluna, and other white explorers first penetrated their country they found a race hospitable, virtuous, peaceable, and happy. They were met as gods, and lavished with gifts and kindness. They requited this generous treatment by treachery, rapine, and conquest.

After the white man had come among these Indians with the innovations which we proudly term civilization, the history of the Choctaws and Chickasaws is the history of the subjugation of the red race. Contact with the white man's civilization began the work of extermination and implanted in hitherto trustful breasts the seeds of hatred and revenge. The Chickasaws and Choctaws were fearfully decimated by wars with the Europeans and other tribes. During the early explorations it is said they had 15,000 warriors, while in 1720 the two tribes could muster less than 1,000 fighting men. The Choctaws allied themselves to the French in the war against the Natchez, whom the Chickasaws aided. The two latter tribes were badly beaten. From 1540 to the establishment of the American republic the Chickasaws and Choctaws were almost constantly at war. As progress followed the star of empire westward the rights of these Indians as they understood them were more and more circumscribed. In 1765 the Chickasaws made their first general treaty with General Oglethorpe, of Georgia, and in 1786, after the colonies had gained their independence, both the Chickasaws and Choctaws made a treaty at Hopewell and were guaranteed peaceable possession of their lands. From the date of this treaty the Choctaws and Chickasaws have kept faith with the federal government. The Chickasaws, in the treaty of 1834, boast "that they have ever been faithful and friendly to the people of this country; that they have never raised the tomahawk to shed the blood of an American".

As early as 1800 the encroachment of the whites filled these people with a desire to emigrate beyond the Mississippi, and many families did so. In 1803 it was estimated that 500 families had departed, mostly Choctaws. The whole nation would have gone but for the opposition of the Spaniards and the western tribes. In the war of 1812 and the Creek war the Choctaws and Chickasaws did valiant service for the United States. In 1820 the Choctaws ceded to the government a part of their territory for lands west of Arkansas. The establishment of state governments over their country, to whose laws they were subject, still further dissatisfied the Choctaws and Chickasaws, who, as their treaty put it, "being ignorant of the language and laws of the white men, can not understand nor obey them". The Choctaws were first to emigrate. By the treaty of Dancing Rabbit Creek in 1830 they ceded the remainder of their lands, 19,000,000 acres in all, and received 20,000,000 acres in the country west of Arkansas, with \$2,225,000 in money and goods. After the ratification of this treaty nearly the entire Choctaw tribe emigrated to the new lands. Those who chose to remain behind were given allotments by the government and the residue lands were sold to white settlers. In 1805, 1816, and 1818 the Chickasaws ceded all their lands north of Mississippi on liberal terms. Many of the tribe joined the Choctaw exodus to the west. In 1822 there were 3,625 Chickasaws remaining in Mississippi. In 1832 the Chickasaw Nation began negotiations with the United States for the sale of their reservation, consisting of 6,442,400 acres, and the treaty was ratified the following year. The conditions of the sale were that the government should sell the land to the highest bidder, the Chickasaws to receive the sum so derived, after the expense of the survey and sale had been deducted. It was the purpose of the Chickasaws to seek a new home in the west, whither their neighbors, the Choctaws, had gone; but in case a desirable location could not be procured, or certain members of the tribe should prefer to remain behind, the Chickasaws were allowed to take allotments pending their emigration. The government agreed to furnish funds sufficient to defray the expenses of the journey and for one year's provisions after their arrival at their new home, the amount thus appropriated to be refunded from the receipts of the sale. The amount received by the Chickasaws from the sale of these lands was \$3,646,000. The Chickasaws determined to create a perpetual fund from the sale of their lands, the money to be invested by the United States, the interest derived therefrom to be used for national purposes. In 1834 the final treaty in reference to the cession of the Chickasaw lands and the removal of the tribe was made at Washington.

The commissioners sent by the Chickasaw Nation to seek out a new home in the west entered successfully into negotiations with the Choctaws for an interest in their lately acquired lands beyond the Mississippi. In 1837 a treaty between the two tribes was ratified near Fort Towson, in the Choctaw Nation, by which the Chickasaws, for the consideration of \$530,000 were ceded a district in the Choctaw country west of the Choctaw Nation proper. The conditions of this sale were that the Chickasaws should participate jointly with the Choctaws in the tribal government, with equal rights and privileges, the land to be held in common by both, neither tribe having a right to dispose of its interest without the consent of the other. Each tribe reserved to itself the right to control and manage its own funds, invested in Washington. The lands set apart for the Chickasaws were known as the Chickasaw district of the Choctaw Nation, and members of either tribe were given the privilege of locating in either the Choctaw or the Chickasaw country proper.

During the emigration of the Chickasaws to their new home, smallpox broke out, carrying off nearly 700 of the movers. They did not settle in the Chickasaw district, but many scattered through the Choctaw country.

As a body, the Chickasaws did not advance as rapidly as the Choctaws, their large annuities encouraging idleness and improvidence. Their efforts at agriculture were insignificant, such work as there was being performed by slaves. Their first school was not established until 1851. The political relations between the two tribes, under the provisions of the treaty of 1837, were far from amicable, as instead of equal representation, as they expected, they were allowed only in proportion to population, and were therefore a powerless minority, the Choctaws outnumbering and hence outvoting the Chickasaws, thereby controlling the national offices and affairs of government. The Chickasaws feeling themselves aggrieved, appealed to the President of the United States, and on paying \$250,000 to the Choctaws obtained by treaty of 1855 a political separation from the Choctaws and a complete title to the Chickasaw district. The Chickasaws then established their own government, and though closely allied by treaty and other relations to the Choctaws, they have maintained an independent government and distinct geographical boundaries.

By a liberal policy extended toward intermarried whites and stock raisers within their boundaries, and through their efforts in the direction of education, the progress of the Chickasaws and Choctaws was gradual until the great civil war. The agents of these nations took sides with the seceding states, and the sympathies of the Indians were naturally with the Confederate states. The Choctaws and Chickasaws furnished several thousand men for the cause and negotiated treaties with the Confederate government. The nations suffered considerably by the war, losing nearly one-fourth of their population, much stock, and of course their slaves. The United States held that by the part taken by the tribal government in the war they had forfeited all their rights, which, however, were restored under certain conditions, and the treaty of 1866 was made. This treaty, the provisions of which supersede all conflicting

provisions of former treaties, is the basis of all laws pertaining to the intercourse of the Choctaws and Chickasaws with the federal government. The allotment and governmental provisions of the treaty of 1866 have never been complied with, and vexed questions have resulted therefrom.

### MUSKHOGEAN FAMILY.

The Seventh Annual Report of the Bureau of Ethnology, 1885-1886, pages 94, 95, discusses the names, tribal connections, and geographic distribution of the Chickasaws, Choctaws, Creeks, and Seminoles, as follows:

- Muskogee, Gallatin in Trans. and Coll. Am. Antiq. Soc., II, 94, 306, 1836 (based upon Muskogeas, Hitchitees, Seminoles), Pritchard, Phys. Hist. Mankind, v. 402, 1847 (includes Muskogeas, Seminoles, Hitchitees).  
 Muskogies, Berghaus (1845, Physik. Atlas, map 17, 1848). Ibid., 1852.  
 Muscogee, Keane, App. Stanford's Comp. (Cent. and So. Am.), 460, 471, 1678 (includes Muscogeas proper, Seminoles, Choctaws, Chickasaws, Hitchitees, Coosadas or Coosas, Alibamons, Apalaches).  
 Maskoki, Gatschet, Creek Mig. Legend, I, 50, 1884 (general account of family; four branches, Maskoki, Apalachian, Alibamu, Chahta). Berghaus, Physik. Atlas, map 72, 1887.  
 Choctaw Muskogee, Gallatin in Trans. and Coll. Am. Antiq. Soc., II, 119, 1836.  
 Chocta-Muskog, Gallatin in Trans. Am. Eth. Soc., II, pt. I, xcix, 77, 1848. Gallatin in Schoolcraft, Ind. Tribes, III, 401, 1853.  
 Chata-Muskoki, Hale in Am. Antiq., 108, April, 1883 (considered with reference to migration).  
 Chahtas, Gallatin in Trans. and Coll. Am. Antiq. Soc., II, 100, 306, 1836 (or Choctaws).  
 Chahtahs, Pritchard, Phys. Hist. Mankind, v. 403, 1847 (or Choktahs or Flatheads).  
 Tschahatas, Berghaus (1845), Physik. Atlas, map 17, 1848. Ibid., 1852.  
 Choctah, Latham, Nat. Hist. Man, 337, 1850 (includes Choctahs, Muscogulges, Muskohges). Latham in Trans. Phil. Soc. Lond., 103, 1856, Latham, Opuscula, 366, 1860.  
 Mobilian, Bancroft, Hist. U. S., 249, 1840.  
 Flat-heads, Prichard, Phys. Hist. Mankind, v. 403, 1847 (Chahtahs or Choktahs).  
 Coshattas, Latham, Nat. Hist. Man, 349, 1850 (not classified).  
 Humas, Latham, Nat. Hist. Man, 341, 1850 (east of Mississippi above New Orleans).

DERIVATION.—From the name of the principal tribe of the Creek confederacy.

In the Muskogee family Gallatin includes the Muskogeas proper, who lived on the Coosa or Tallapoosa rivers; the Hitchitees, living on the Chattahoochee and Flint rivers; and the Seminoles of the peninsula of Florida. It was his opinion, formed by a comparison of vocabularies, that the Choctaws and Chickasaws should also be classed under this family. In fact, he called the family Choctaw Muskogee. In deference, however, to established usage, the two tribes were kept separate in his table and upon the colored map. In 1848 he appears to be fully convinced of the soundness of the view doubtfully expressed in 1836, and calls the family the Chocta-Muskog.

GEOGRAPHIC DISTRIBUTION.—The area occupied by this family was very extensive. It may be described in a general way as extending from the Savannah river and the Atlantic west to the Mississippi, and from the Gulf of Mexico north to the Tennessee river. All of this territory was held by Muskogean tribes, except the small areas occupied by the Yuchi, Na'ltchi, and some small settlements of Shawni.

Upon the northeast, Muskogean limits are indeterminate. The Creeks claimed only to the Savannah river; but upon its lower course the Yamasi are believed to have extended east of that river in the sixteenth to the eighteenth century. The territorial line between the Muskogean family and the Catawba tribe in South Carolina can only be conjectured.

It seems probable that the whole peninsula of Florida was at one time held by the tribes of Timuquanan connection; but from 1702 to 1708, when the Apalachi were driven out, the tribes of northern Florida also were forced away by the English. After that time the Seminoles and the Yamasi were the only Indians that held possession of the Floridian peninsula.

PRINCIPAL TRIBES—Alibamu, Apalachi, Chicasa (Chickasaw), Choctaw, Creek or Maskoki proper, Kousati, Seminole, Yamacraw, Yamasi.

POPULATION.—There is an Alibamu town on Deep creek, Indian territory, an affluent of the Canadian, Indian territory. Most of the inhabitants are of this tribe. There are Alibamu about 20 miles south of Alexandria, Louisiana, and over 100 in Polk county, Texas.

So far as known only 3 women of the Apalachi survived in 1886, and they lived at the Alibamu town above referred to. \* \* \* There are 4 families of Kousati, about 25 individuals, near the town of Shepherd, San Jacinto county, Texas. Of the Yamasi none are known to survive.

### FIVE TRIBE SURVIVORS OF THE WAR OF THE REBELLION.

In compliance with the census law, efforts were made to obtain the names, service, and organizations of surviving soldiers of the War of the Rebellion, or the names of the widows of the same. At the breaking out of the rebellion The Five Civilized Tribes entered into treaties with the Confederate States, and it was claimed they forfeited treaty rights with the United States. It was difficult to obtain information on any of these points. Ex-soldiers were reluctant to answer and widows refused. Some years ago in Indian territory there was a good deal of trouble over matters connected with the bounty and pay of some of the Indian soldiers who served in the Union army. It was the subject of congressional investigation and made the Indian ex-soldiers cautious afterward as to questions they answered or signatures to papers. This cause, added to the natural caution of the Indian as to the purpose or intentions of the white men, resulted in the enrollment of but few Indian soldiers on the special schedules.

The archives of the War Department show the number of men and organizations raised in the Indian territory among The Five Civilized Tribes of Indians for the Union and Confederate States armies during the

late war to have comprised three regiments of Indian home guards in the service of the United States during the late war, viz:

Total .....	5, 238
First regiment, strength during service .....	1, 848
Second regiment, strength during service .....	1, 901
Third regiment, strength during service .....	1, 489

and some 20 organizations in the Confederate States army, the particulars of which are given in the letters in the appended note. (a)

The deaths among these from all causes, killed wounded, or diseased, was 1,018.

The Indian brigade in the Union army was engaged in 28 battles or affairs, besides many skirmishes.

In a report from the Quartermaster General's office, called "The Roll of Honor", issued in 1884, under the title, "The National Cemetery at Fort Gibson", the number of burials is given at 2,427, of which but 215 are marked as known and 2,212 unknown. Of the 215 marked as known about 150 are of Indian soldiers of the Indian Union regiments. (b)

a The letters received from the War Department in reply to a request for a verification of the number of men and the organizations raised among these Indians were as follows:

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,  
WASHINGTON, February 16, 1894.

SIR:

In answer to your favor of the 14th instant it gives me pleasure to submit a list of Indian organizations that served in the Confederate states army, viz:  
First Cherokee Cavalry Battalion, Major Benj. W. Meyer. First-Cherokee Cavalry Battalion, Major J. M. Bryan. First Cherokee Mounted Rifles (also called Second. See Drew's Cherokee Mounted Rifles). First Cherokee Mounted Rifles, Colonel Stand Watie. First Chickasaw Cavalry Battalion, Lieutenant Colonel Joseph D. Harris. First Chickasaw Cavalry Regiment, Colonel William L. Hunter. First Choctaw Cavalry Battalion (afterward First Choctaw War Regiment), Lieutenant Colonel Franceway Battice. First Choctaw Battalion (afterward Third Choctaw Regiment), Lieutenant Colonel Jackson McCurtain. First Choctaw and Chickasaw Mounted Rifles, Colonel Douglas H. Cooper. First Choctaw Cavalry War Regiment (in 1864 known as Second Choctaw Regiment), Colonel Simpson N. Folsom. First Choctaw Cavalry Regiment, Colonel Sampson Folsom. First Seminole Cavalry Battalion (afterward First Seminole Regiment), Lieutenant Colonel John Jumper. First Creek Cavalry Battalion, Lieutenant Colonel Chilly McIntosh. First Creek Regiment, Colonel Daniel N. McIntosh. Second Cherokee Mounted Rifles, Colonel William P. Adair. Second Creek Regiment, Colonel Chilly McIntosh. Third Choctaw Regiment (formerly First Choctaw Battalion), Colonel Jackson McCurtain. Cherokee Battalion, Major Moses C. Frye, Major Joseph A. Scales. Chickasaw Cavalry Battalion, Lieutenant Colonel Martin Sheco. Drew's Cherokee Mounted Rifles (called First and Second), Colonel John Drew. Osage Battalion, Major Arm Broke.

Respectfully,

H. C. CORBIN,  
Assistant Adjutant General.

To JAMES H. WARDLE, Esq.,  
Acting Superintendent of Census.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,  
WASHINGTON CITY, March 6, 1894.

SIR:

Referring to your letter of the 17th ultimo, relative to the number of Indians from the Indian territory in the military service of the United States during the late war, I am directed by the Secretary of War to inform you that there were 3 regiments of these troops (home guards), numbering from organization to muster-out:

First regiment.....	1, 848	Third regiment.....	1, 489
Officers.....	64	Officers.....	52
Enlisted men.....	1, 784	Enlisted men.....	1, 437
Second regiment.....	1, 901	Aggregate.....	5, 238
Officers.....	63	Officers.....	182
Enlisted men.....	1, 835	Enlisted men.....	5, 056

These Indian regiments were officered by both white men and Indians, probably two-thirds of them being of the former class, and for that reason the numbers of officers and enlisted men have been given separately.

From an official statement prepared by this department in 1872 it appears that the First regiment was composed principally of Creek Indians, the Second of Osages and Cherokees, and the Third of Creeks and Cherokees.

The number of Indians from the Indian territory, if any, enlisted in organizations bearing state designations can not be ascertained.

The foregoing figures are given in lieu of those contained in the statistical table published by this department under date July 15, 1885, and those given in a letter from this department of October 30, 1891.

Very respectfully,

F. C. AINSWORTH,  
Colonel United States Army, Chief Record and Pension Office.

To the ACTING SUPERINTENDENT OF THE CENSUS.

b For an account of the Indian brigade in the year 1863, see "Memoirs of the Rebellion on the Border, 1863", by Wiley Britton, late Sixth Kansas cavalry Chicago. Cushing, Thomas & Co., publishers, 1882.

For a history of the Indian troops from The Five Civilized Tribes of Indian territory in the Union army, see a report made by S. S. Burdett, M. C., in the House of Representatives, June 8, 1872, entitled "Alleged frauds against certain Indian soldiers".

An account of the condition of The Five Tribes in 1861 and 1862 and their sympathy with the Confederacy or service in its army can be found in 2 reports from the committee on foreign missions made to the general assembly of the Presbyterian Church in the Confederate states of America; one at Augusta, Georgia, December 4, 1861, and the other at Montgomery, Alabama, May 1, 1862.

## CONCLUSIONS AND SUGGESTIONS.

## TOWN SITE ACT.

Congress should pass a town site act for The Five Tribes, forcing their consent, if necessary, to the end that valuable accrued property rights shall be protected. Millions of dollars are now invested by citizens of the United States in the several towns of Indian territory with no legal or proper protection. Trade and the interests of commerce necessitated the building of stores, warehouses, hotels, and dwellings, and these outlays would thus be protected.

Railroads are chartered through The Five Tribes, and cities, towns, and villages grow up along them in aid of their operation. Congress should incorporate these towns and provide for a legal method of registering and passing title to these various properties or adjuncts of railroad trade and commerce. The Adams Home at Muskogee was ordered built in aid of commerce by the United States district court of the lower district of Kansas, on application of the receiver of the Missouri, Kansas and Texas road.

The Indian occupancy claimant to the land on which the town is, or the nation claiming the land, could be paid say \$10 or more per acre for it, and the town site then be parceled out to lot holders, the remaining lots to be sold for the benefit of the town. The commission in charge of the allotment in each of The Five Tribes could take charge of the town site allotment as well. In any view of Five Tribe affairs, town sites are the serious problems. They should be settled first and at once by Congress exercising its right of eminent domain and in aid of internal commerce. Much of the discontent among the whites of The Five Civilized Tribes would cease could title be acquired to town lots. The Five Tribes will probably never pass an incorporative law by which whites or colored, so-called intruders, can get title to lots. Congress will have to do this. The passage of a general town site act of 320 or 640 acres each by Congress will be first in order. Then the question of allotment of the remaining lands can come up. Whatever is to be done as to town sites should be done quickly, as delay only thickens the danger and makes the work more difficult.

## LANDS.

The proper settlement of the land question in The Five Civilized Tribes of Indian territory presents one of the most serious problems the United States has as yet had to deal with in connection with the Indians. They are not on reservations, but on lands patented to each nation (except the Seminoles, and theirs they bought), to be held by them as long as they shall remain nations. They have homes, farms, towns, churches, schools, capitol buildings, courts, laws rigidly enforced, and peace and order. They ask no alms from the nation and are self-sustaining, self-reliant, and fairly well off in worldly goods. Promises will not settle this question. These Indians, often Indians in name only, can not be driven off, cajoled, or threatened. Glass beads, beef, firearms, gewgaws, vermilion, and feathers will not reach these people. The United States is to meet as able a class of leading men in these communities as can be found in the civilized communities of the old states, and they have the means to employ counsel and defend their rights. In addition, public sentiment throughout the nation will resist any attempts to wrongfully despoil these people of lands they have occupied and owned for 60 years. The vast army of whites covering many of the nations of Indian territory demand that they shall be allowed to make homes on the unoccupied Indian lands. These whites are there by sufferance of the nation and the Indians. Any acts of the nation by which these surplus Indian lands shall be turned over to the whites who are noncitizens of The Five Tribes before the land question is settled satisfactorily to The Five Tribes would smack of confiscation. This can not be done in this enlightened age. The surplus lands above allotment to the citizens of The Five Tribes will of course be sold to whites or others, but not at the usual rate for the present public domain, \$1.25 per acre. The whites who are residents of The Five Tribes at the time of the sale of the lands should have a preferred right above new comers, but no favors above any others as to price.

## ALLOTMENT.

The allotment of Five Tribe lands can not be proceeded with in the manner that lands of the reservation or wild Indians are allotted. Whatever proceedings are had in Indian territory as to the final breaking up of The Five Tribes and their becoming citizens of the United States and as to the lands to be allotted, the steps to reach such results must be slowly taken, as Indians think and act slowly upon all questions affecting their lands or property rights. The necessary action to dismember The Five Civilized Tribes as nations and put them into citizenship must be taken cautiously, and the Indians thereof be made to understand what is expected of them by slow and deliberate approaches. It can be accomplished in this way only. Hurried visits of a commission to these people will result in failure. Time and discussion are the only methods of success.

The lands of 4 of The Five Tribes are patented to each nation. A patent has been held by the Supreme Court of the United States to be a "grant executed". The features in these patents varying, a fee may be equitable, provisions probably inserted more for the protection of The Five Tribes against designing men in the tribes than for outsiders, and leaving the United States as referee in the matter.



To declare The Five Civilized Tribes citizens of the United States prior to the settlement of all questions as to their lands and legal and civil rights would be unjust and end destructively to them. The United States can and should alone settle all questions in controversy. After the Indians are established in their land holdings, the sale of the surplus land made, and the proceeds distributed to rightful Indians or Indian citizens owning them, The Five Tribes will have an even chance with others who occupy Indian territory, but not until then, and statehood can then be considered. The moral sentiment of this republic will not permit this people to be despoiled or unjustly treated. These are not wards of the nation nor wild men dependent on the treasury for food. They are not on the ordinary Indian reservation, but on lands patented to them by the United States.

Allotment of Five Tribe lands under laws of the United States should mean the selection by each Indian and setting aside of a tract of 160 acres of land or less to him, and the sale by the United States of the surplus lands, after survey, to settlers and others, paying over the proceeds pro rata to the Indian owners, deducting the expense of survey and sale. The law for this proceeding will be different from any other heretofore adopted, because the lands have a large actual value over any other lands of the public domain, and to sell them below a justly appraised value would be an error. These lands will average more than \$10 per acre in value. Many tracts of 160 acres will sell for \$75 per acre; besides, when the lines of the legal subdivisions are run, many valuable improvements will be found to be on the surplus tracts. These must be appraised and the value given to the Indians who own them. The Seminoles will probably have no surplus lands to sell.

The per capita distribution of surplus money among these Indians will be on a probable value of \$100,000,000, but differing in proportion in the several tribes. In the winding up of these questions there will be many opportunities for gigantic frauds, unless a careful law is drawn and vigorously executed.

Great care must be exercised that The Five Tribes do not exclude any one who is entitled to citizenship. Citizenship in these tribes may mean 160 acres of land and may be about \$1,800 from the sale of surplus lands. The United States alone can judge this on appeal. Courts would be too slow. Four commissions of three each, with full powers, under laws of Congress, and for the Cherokees, Creeks and Seminoles, Choctaws and Chickasaws, would be the best method, after a statute of limitation had been passed. The claimants are not now numerous, but with plunder in sight they will rise up like an army.

Unquestionably, in the settlement of the entire Indian question, The Five Tribe problem presents the most difficulties and will require the most prudence and care. The nation, in dealing with these people, will find men mentally able to cope with the ablest and fully advised as to the right.

After citizenship is settled and land tenures fixed, full criminal jurisdiction can be given the United States court in Indian territory, as the juries of citizens can be drawn, and the inducement to drag people hundreds of miles from their homes merely to get fees will cease.

With the freedman question settled, their lands allotted, and the surplus acres, where there are any, sold for their benefit, these people are well fitted for statehood. The small actual Indian population would be absorbed and hardly noticed in the population, which would soon utilize the lands and other resources of the territory. (a)

a THE QUESTION OF STATEHOOD.—For the settlement of the question of statehood for The Five Civilized Tribes several plans have been proposed.

In reply to inquiries from the Census Office as to his views, first, on the powers of the United States Indian agent in the Indian territory; second, what shall be done with the political part of the territory—shall it be organized into a state? third, which are the objectionable features of the laws of the several nations, or The Five Tribes; Leo E. Bennett, United States Indian agent for The Five Tribes and enumerator for the same for the Eleventh Census, wrote as follows:

#### POWERS AND DUTIES OF THE UNITED STATES INDIAN AGENT, FIVE TRIBES.

UNION AGENCY, MUSKOGEE, INDIAN TERRITORY, May 29, 1891.

Hon. ROBERT P. PORTER,  
Superintendent Eleventh Census, Washington, D. C.

SIR:

I have to acknowledge the receipt of your favor of the 22d instant, requesting my views on certain questions. Replying thereto, I will say that the authority for the appointment of Indian agent is vested in the President under section 2052, Revised Statutes of the United States. The requirements, liabilities, and duties of an Indian agent are set forth in succeeding sections up to and including section 2078.

Sections 2147 and 2149 confer upon superintendents, agents, and subagents the authority to remove from any Indian reservation "persons found therein contrary to law, or whose presence within the limits of the reservation may, in the judgment of the commissioner, be detrimental to the peace and welfare of the Indians".

Section 465 provides that "the President may prescribe such regulations as he may think fit for carrying into effect the various provisions of the act relating to Indian Affairs", etc.

Section 463 provides that "the Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeable to such regulations as the President may prescribe, have the management of all Indian affairs and of matters arising out of Indian relations".

The Attorney General, in Opinions VII, 453, held: "As a general rule, the direction of the President is to be presumed in all instructions and orders issuing from the competent department".

Referring to *Wilcox vs. Johnson*, 13 Peters, 498, "the President speaks and acts through the several departments in relation to subjects which appertain to their respective duties".

Section 2058 provides that "each Indian agent shall, within his agency, manage and superintend the intercourse with the Indians agreeable to law, and execute and perform such regulations and duties not inconsistent with the law as may be prescribed by the President, the Secretary of the Interior, the Commissioner of Indian Affairs, or the Superintendent of Indian Affairs".

These and other sections of the Revised Statutes are not obsolete, have never been repealed, and, it seems to me, are paramount in the government of the Indian country. They conferred upon the Indian agent powers judiciary and executive, authority to make and enforce such rules and regulations not inconsistent with law as, in his judgment, he deemed necessary for the interest or welfare of the Indians under his charge, an arbitrary, monarchical power not now in keeping with the institutions of this free country, but which, on the other hand, seemed necessary in the early period of Indian government, when the Indians were far beyond the jurisdiction of the federal courts and the enforcement of intercourse laws was against the fugitive and outlaw only. The status of the Indian agent's authority is one that is undefined; that is to say, not so clearly defined as to relieve him from the embarrassments and entanglements which beset him in the discharge of his duty, from clashing with the federal courts claiming jurisdiction, which, if ever possessed by the agent, has never been taken away from him. This is but

Eleventh Census of the United States.

Indians.



Photograph by R. C. Adams, Talequah.

TALEQUAH, CAPITAL OF THE CHEROKEE NATION, 1890.